

CA20N  
EAB  
-H26



# ENVIRONMENTAL ASSESSMENT BOARD

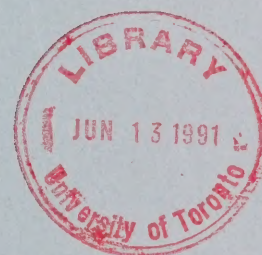
VOLUME: 314

DATE: Monday, May 27, 1991

BEFORE:

A. KOVEN Chairman

E. MARTEL Member



FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416)963-1249

**EARR &  
ASSOCIATES  
REPORTING INC.**

(416) 482-3277

2300 Yonge St., Suite 709, Toronto, Canada M4P 1E4





CA20N  
EAB  
-H26



# ENVIRONMENTAL ASSESSMENT BOARD

---

VOLUME: 314

DATE: Monday, May 27, 1991

BEFORE:

A. KOVEN Chairman

E. MARTEL Member



FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416) 963-1249

**EARR**  
ASSOCIATES &  
REPORTING INC.

(416) 482-3277

2300 Yonge St., Suite 709, Toronto, Canada M4P 1E4





HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL  
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR  
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental  
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental  
Assessment for Timber Management on Crown  
Lands in Ontario;

- and -

IN THE MATTER of a Notice by The Honourable  
Jim Bradley, Minister of the Environment,  
requiring the Environmental Assessment  
Board to hold a hearing with respect to a  
Class Environmental Assessment (No.  
NR-AA-30) of an undertaking by the Ministry  
of Natural Resources for the activity of  
Timber Management on Crown Lands in  
Ontario.

-----

Hearing held at the Inn of the Woods Hotel,  
470 First Avenue South, Kenora, Ontario,  
on Monday, May 27th, 1991, commencing at  
1:30 p.m.

-----

VOLUME 314

BEFORE:

MRS. ANNE KOVEN  
MR. ELIE MARTEL

Chairman  
Member



Digitized by the Internet Archive  
in 2023 with funding from  
University of Toronto

<https://archive.org/details/31761116525163>

A P P E A R A N C E S

MR. V. FREIDIN, Q.C.	)	MINISTRY OF NATURAL
MS. C. BLASTORAH	)	RESOURCES
MS. K. MURPHY	)	
MR. B. CAMPBELL	)	
MS. J. SEABORN	)	MINISTRY OF ENVIRONMENT
MS. N. GILLESPIE	)	
MR. R. TUER, Q.C.	)	
MR. R. COSMAN	)	ONTARIO FOREST INDUSTRY
MS. E. CRONK	)	ASSOCIATION
MR. P.R. CASSIDY	)	
MR. H. TURKSTRA		ENVIRONMENTAL ASSESSMENT BOARD
MR. J.E. HANNA	)	ONTARIO FEDERATION
DR. T. QUINNEY	)	OF ANGLERS & HUNTERS,
MR. D. HUNTER		NISHNAWBE-ASKI NATION and WINDIGO TRIBAL COUNCIL
MR. J.F. CASTRILLI	)	
MS. M. SWENARCHUK	)	FORESTS FOR TOMORROW
MR. R. LINDGREN	)	
MS. B. SOLANDT-MAXWELL	)	
MR. D. COLBORNE	)	GRAND COUNCIL TREATY #3
MS. S.V. BAIR-MUIRHEAD	)	
MR. C. REID	)	ONTARIO METIS &
MR. R. REILLY	)	ABORIGINAL ASSOCIATION
MR. P. SANFORD	)	KIMBERLY-CLARK OF CANADA
MS. L. NICHOLLS	)	LIMITED and SPRUCE FALLS
MR. D. WOOD	)	POWER & PAPER COMPANY
MR. D. MacDONALD		ONTARIO FEDERATION OF LABOUR







APPEARANCES (Cont'd):

MR. R. COTTON		BOISE CASCADE OF CANADA LTD.
MR. Y. GERVAIS	)	ONTARIO TRAPPERS
MR. R. BARNES	)	ASSOCIATION
MR. R. EDWARDS	)	NORTHERN ONTARIO TOURIST
MR. B. McKERCHER	)	OUTFITTERS ASSOCIATION
MR. L. GREENSPOON	)	NORTHWATCH
MS. B. LLOYD	)	
MR. J.W. ERICKSON, Q.C.)		RED LAKE-EAR FALLS JOINT
MR. B. BABCOCK	)	MUNICIPAL COMMITTEE
MR. D. SCOTT	)	NORTHWESTERN ONTARIO
MR. J.S. TAYLOR	)	ASSOCIATED CHAMBERS OF COMMERCE
MR. J.W. HARBELL	)	GREAT LAKES FOREST
MR. S.M. MAKUCH	)	PRODUCTS
MR. D. CURTIS	)	ONTARIO PROFESSIONAL
MR. J. EBBS	)	FORESTERS ASSOCIATION
MR. D. KING		VENTURE TOURISM ASSOCIATION OF ONTARIO
MR. H. GRAHAM		CANADIAN INSTITUTE OF FORESTRY (CENTRAL ONTARIO SECTION)
MR. G.J. KINLIN		DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC		MINISTRY OF NORTHERN DEVELOPMENT & MINES
MR. M. COATES		ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI		BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY



APPEARANCES (Cont'd):

MR. R.L. AXFORD	CANADIAN ASSOCIATION OF SINGLE INDUSTRY TOWNS
MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON
MR. C. BRUNETTA	NORTHWESTERN ONTARIO TOURISM ASSOCIATION





I N D E X   O F   P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
<u>PAUL WATTS,</u> <u>RON SIMMONS,</u> <u>ROY CARPENTER,</u> <u>CHIEF WILLIE WILSON,</u> <u>FRANCIS KAVANAUGH; Sworn</u>	55467
Direct Examination by Mr. Colborne	55473
<u>ROCKY SEYMOUR; Sworn</u>	55506





I N D E X   O F   E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
1857	Pamphlet re information on National Aboriginal Forestry Association.	55471
1858	Map entitled: The Treaty No. 3 Ojibway Homeland.	55479



1 ---Upon commencing at 1:30 p.m.

2 MADAM CHAIR: Good afternoon, Mr.  
3 Colborne.

4 MR. COLBORNE: Good afternoon, Madam  
5 Chair.

6 MADAM CHAIR: Are you ready to proceed?

7 MR. COLBORNE: Yes, I am. I'll ask my  
8 witnesses to come forward so they can be sworn.

9 MADAM CHAIR: Thank you.

10 MR. COLBORNE: Willie Wilson, please,  
11 Francis Kavanaugh, Roy Carpenter, Ron Simmons and Paul  
12 Watts, if you will step up to the front you will be  
13 asked to swear an oath and after that, please, take a  
14 seat here at the witness table.

15 PAUL WATTS,  
16 RON SIMMONS,  
17 ROY CARPENTER,  
CHIEF WILLIE WILSON,  
FRANCIS KAVANAUGH; Sworn

18 MADAM CHAIR: Go ahead, Mr. Colborne.  
19 Would you like to introduce your witnesses?

20 MR. COLBORNE: Yes, I will. Just before  
21 I introduce them individually, I would like to tell you  
22 briefly where the evidence which this panel will give  
23 fits into the overall picture, that way the individual  
24 introductions I think will make more sense.

25 As you know, we attempted in Panel 1 to



1 give you a background concerning the Treaty 3 Ojibways  
2 in this territory and especially with respect to their  
3 use of natural resources and the various economic  
4 developments and patterns which occurred through the  
5 historical period.

6 With this panel we want to give you a  
7 general picture of what the situation is today in  
8 regard to the Treaty 3 Ojibway communities as they  
9 relate to the natural resources of the forest and,  
10 particularly, forestry as one aspect of that.

11 The reason why these individuals were  
12 selected is because they are all associated with the  
13 Indian Forestry Development Program. They are the  
14 Board members of that program and, as such, have a fair  
15 amount of information that they receive through their  
16 positions on the board and, as well, they were  
17 nominated and appointed to the board because of their  
18 knowledge and because of other factors, of course, but  
19 they also have background information or information  
20 before they joined the board that has to do with the  
21 matters that we will be discussing here.

22 So in a way they are among the experts  
23 and probably in a few people they focus a lot of the  
24 information that is available about the connection  
25 between the Ojibway communities in the Treaty 3

1 territory and the forestry resource.

2 Also with them is Ron Simmons. I'll be  
3 introducing him in a moment, he's not a board member,  
4 he's an employee, but he's here for certain reasons  
5 which I'll explain in a moment.

6 Now, as members of the IFDP board, they  
7 also have information about the IFDP, Indian Forestry  
8 Development Program itself and, to a certain extent,  
9 about the various programs that led up to it and, to a  
10 certain extent, about future plans and prospects and  
11 hopes and so on. And that is what we hope to cover in  
12 the evidence that they will be giving.

13 We will be continuing, as you know from  
14 looking at the witness statements, with information  
15 about particular communities and with various more  
16 focused types of evidence on what these experts -- I'm  
17 going to be asking them more to generalize than to tak  
18 time with a great deal of specific information.

19 With that comment of my own, I would like  
20 to introduce first Chief Willie Wilson. Chief Wilson  
21 is a hard person to introduce because he wears a number  
22 of hats and I will mention only a few of them.

23 He is chairman of the Indian Forestry  
24 Development Program, he is Chief of the Rainy River  
25 Band, he was one of the key people, if not the key

1 person who founded and continues to be very closely  
2 involved with Manitou Lumber, a successful long-term  
3 on-reserve forest industry operation which you'll be  
4 hearing more about.

5 He's also involved right now with the  
6 process of finding something which will probably have a  
7 name approximately as follows: The Latin  
8 American-North America Coalition of the Indigenous  
9 Forest. Maybe I don't have that quite right, Willie.

10 CHIEF WILSON: Close.

11 MR. COLBORNE: Close. It's in the  
12 process of being formed now. I don't think it has  
13 fixed a name for itself. And also Chief Wilson is  
14 spokesperson for the National Aboriginal Forestry  
15 Association which is a Canadian organization, in fact  
16 Chief Wilson just gave me today a pamphlet which has  
17 just been produced stating general information about  
18 the background objectives and so on of this  
19 organization which, I think, has not -- well, it was  
20 formed in 1989 and it's just starting its work.

21 I would like to give you this pamphlet,  
22 unfortunately I have only two here. If I could give  
23 you one and undertake to make copies from the other one  
24 and provide them before the end of the day, would that  
25 be satisfactory?



1 MADAM CHAIR: Any objections?

2 (no response)

3 That is fine, Mr. Colborne.

4 MR. COLBORNE: (handed)

5 MADAM CHAIR: Thank you very much. Shall  
6 we make this an exhibit?

7 MR. COLBORNE: Yes, please.

8 MADAM CHAIR: The information on the  
9 National Aboriginal Forestry Association will become  
10 Exhibit 1857.

11 ---EXHIBIT NO. 1857: Pamphlet re information on  
12 National Aboriginal Forestry  
Association.

13 MR. COLBORNE: After what I have just  
14 said, it is difficult to decide what to introduce Chief  
15 Willie Wilson to you as, and I thought I've covered the  
16 main points related to this particular hearing.

17 We have Francis Kavanaugh a member of the  
18 Board of Directors of the Indian Forestry Development  
19 Program. I will mention a couple of other things about  
20 this witness which might assist you in recognizing that  
21 some of the things he's going to say come from a long  
22 background of knowledge.

23 He's been an elected councillor at his  
24 own reserve which is Whitefish Bay for 12 years, he's  
25 held many administrative posts over the years including

1 the position of Executive Director for the organization  
2 Grand Council Treaty No. 3 which is the party before  
3 you today. Presently he is working for his home  
4 reserve in negotiations of what is referred to, at  
5 least in the press, as self government and from that  
6 basis has knowledge of the way decisions are made  
7 within Indian government which not a lot of people  
8 have.

9 Also sitting at the front -- or, sorry,  
10 sitting as witnesses are Roy Carpenter from Lac Seul  
11 Band. He has a long background too, but I think I am  
12 taking up too much time with this. He is a member of  
13 the board of IFDP, he has knowledge in forestry and  
14 about his own community and about numerous other things  
15 as well which you'll be hearing from him.

16 Paul Watts is a member of the Board of  
17 Directors of IFDP from Wabigoon, very knowledgeable  
18 again about forestry, about his home community, the  
19 Native community in the Wabigoon area and about  
20 numerous other things.

21 And Paul Simmons -- sorry, Ron Simmons.  
22 Ron is the general manager for IFDP, as such he's in  
23 the office or he's on the road or in the field every  
24 day doing forestry work or administrative work for IFDP  
25 and, therefore, has a handle on a lot of the facts and

1 documents which the Board members would not necessarily  
2 have conveniently to hand because they are more the  
3 policy makers who come in for the board meetings.

4 Those are your witnesses, and I am ready  
5 to begin.

6 MADAM CHAIR: Thank you, Mr. Colborne.  
7 You'll be qualifying these witnesses because of their  
8 experience with the IFDP and also their individual  
9 background in forestry?

10 MR. COLBORNE: Yes, qualifying them to  
11 give opinion or expert evidence in two areas; one is  
12 the general relationship between the Ojibway  
13 communities in the Treaty 3 area and the forest  
14 industry; and, secondly, participation of Indians in  
15 the forest industry, particularly through programs such  
16 as IFDP, Indian Forestry Development Program.

17 MADAM CHAIR: Are there any objections to  
18 the witnesses being qualified in this way?

19 MR. FREIDIN: None from me.

20 MADAM CHAIR: Fine, thank you. Please go  
21 ahead, Mr. Colborne.

22 MR. COLBORNE: Thank you.

23 DIRECT EXAMINATION BY MR. COLBORNE:

24 Q. There are a map and a composite  
25 mosaic photograph at the front. The map is marked as

1 an exhibit, I'll give its number in just a moment.

2 I wonder, Mr. Watts, if you could show us  
3 on that map the Treaty 3 territory?

4 MR. WATTS: A. On the big map here?

5 Q. On the map, please.

6 A. This one here?

7 Q. Yes.

8 A. Okay. Treaty 3 territory would be  
9 this one, AC, unfortunately it stops at the border but  
10 our understanding is it goes into Manitoba.

11 Q. Could you read the exhibit number  
12 which should be on the upper righthand corner of that  
13 map, it's written in pencil or pen. Just take a look  
14 up there, is there a number there?

15 A. 1850.

16 MR. COLBORNE: Yes, the witness has been  
17 looking at Exhibit 1850.

18 Now, Mr. Watts, can you describe the  
19 Treaty 3 area in terms of drainage basins, rivers, that  
20 kind of thing so we can distinguish it from other  
21 areas?

22 A. Can I go to the big map here?

23 Q. Certainly. If you like to do that,  
24 just unclip the exhibit you've just been referring to.

25 A. I'll just flip it over.



1 Q. Okay, fine.

2 A. Now, let me see here. The drainage  
3 basin, okay.

4 Q. Yes.

5 A. All the water from here flows into  
6 Lake Winnipeg by the English River system, Wabigoon,  
7 number of smaller lakes and rivers.

8 Q. And is that the Treaty 3 area, the  
9 area that is covered by that drainage basin that you've  
10 just referred to?

11 A. Yes, it is.

12 Q. Okay. And you mentioned, I think  
13 with reference to the other map, that it also goes into  
14 Manitoba. Can you show us anything on that aerial  
15 photograph?

16 A. Very little of it is showing here on  
17 the map, Manitoba, but it extends into Manitoba. This  
18 is the Manitoba border here, isn't it?

19 Q. How is the Manitoba border marked,  
20 what do you see when you're up close to it?

21 A. In yellow.

22 Q. It's a yellow line?

23 A. A yellow line goes -- this is the  
24 Manitoba border.

25 Q. Okay. And show us the international

1 border as well.

2 A. It's also marked in yellow.

3 Q. Okay. And the outer limits of the  
4 Treaty 3 area, how are they marked on that photo  
5 mosaic.

6 A. It's in blue.

7 Q. There's a blue line there?

8 A. Yes, it is here.

9 Q. Okay.

10 A. But it stops at the border.

11 Q. Now, just so we can orient ourselves,  
12 people who are more accustomed to looking at road maps  
13 and so on, could you show us the main towns that we  
14 would be familiar with.

15 A. The main towns. I guess it would be  
16 Kenora, right over here, Fort Frances here, Dryden,  
17 Ignace and of course Wabigoon where I am from right  
18 here, right in the centre.

19 Q. Does anyone else have any request for  
20 towns indicated? Now, could you show us, again just to  
21 orient where we are, the major transportation corridors  
22 on that photo mosaic?

23 A. Well, depends how you are travelling.  
24 If you are travelling by TransCanada Highway it would  
25 be Dryden, Kenora.

1 Q. Can you actually see that if you're  
2 up close to the photograph the way you are?

3 A. Yes, you can, yes. And the CP rail  
4 goes right almost beside the TransCanada Highway.

5 Q. Can you see it as well?

6 A. Here and there you can.

7 A. And there's also north of that the  
8 CN. That one you can barely see. I don't know, you  
9 can see parts of it.

10 Q. Are there other --

11 A. The southern highway here, Fort  
12 Frances and Thunder Bay, I forget the name of that  
13 highway. I drive through it all the time.

14 Q. I think that is called Highway 11; is  
15 it not?

16 A. Highway 11.

17 Q. I'm not sure. That's the Fort  
18 Frances to Thunder Bay highway?

19 A. Right.

20 Q. Are there other corridors that you  
21 can see that are visible on that aerial photograph?

22 A. There's a hydro line that comes in  
23 from Manitoba into this area, there's also the  
24 pipeline, natural gas pipeline.

25 Q. Now, I understand that the Indian

1 reserves are marked on that as well. I can't see them  
2 from here, but could you tell us how they're marked?

3 A. They're marked in red tape.

4 Q. So if you walk up close --

5 A. Close you can see.

6 Q. Where you are you can see each one of  
7 them?

8 A. Yes, you can.

9 Q. Just as a couple of examples, could  
10 you show us your -- or the reserve at Wabigoon?

11 A. It's in Lake Wabigoon, it straddles  
12 the lake here, there's two pieces to it.

13 Q. And, again, show us the one nearest  
14 where we are, that would be the Rat Portage Reserve  
15 right next to Kenora?

16 A. Kenora would be -- Rat Portage  
17 Reserve right here, just south of Kenora.

18 Q. And if you look closely enough each  
19 reserve is marked on there as far as you know; is that  
20 correct?

21 A. Quite a number of them. 60 pieces of  
22 land altogether. It's pretty hard to go by without --  
23 I have to count them, it will take me --

24 Q. Don't bother, we will take your word  
25 for it. Thanks, Mr. Watts.



1 I want to ask the next question of  
2 Francis Kavanaugh actually.

3 MR. FREIDIN: Do you want to make that an  
4 exhibit?

5 MR. COLBORNE: Oh yes, let's mark that  
6 now.

7 MADAM CHAIR: This will become Exhibit  
8 1858.

9 ---EXHIBIT NO. 1858: Map entitled: The Treaty No. 3  
10 Ojibway Homeland.

11 MR. COLBORNE: Q. Mr. Watts, I may have  
12 cut you off. Did you want to indicate something else  
13 there? Actually I wanted to ask you another question,  
14 while I think of it.

15 MR. WATTS: A. No, I was just trying to  
16 find my trap line.

17 CHIEF WILSON: A. They put that away.

18 Q. Well, another question has occurred  
19 to me. Well, let me ask Mr. Kavanaugh this.

20 Are there any major areas shown on that  
21 photo mosaic that are not covered by forest?

22 MR. KAVANAUGH: A. Yes. Generally  
23 speaking the area in question is you know, still  
24 forested with the exception of in and around the Rainy  
25 River, a lot of the lands have been converted to

1 agricultural lands, as well along the Dryden area,  
2 there are places there that have been converted, again,  
3 agricultural lands.

4 Q. Can you locate those for us on the  
5 Exhibit 1858?

6 MADAM CHAIR: Mr. Colborne, shall we call  
7 this exhibit The Treaty No. 3 Ojibway Homeland as shown  
8 on the map?

9 MR. COLBORNE: Yes, that will be fine.

10 MR. WATTS: Dryden is here.

11 MR. KAVANAUGH: Okay. Rainy River would  
12 be in and around this area here.

13 MR. COLBORNE: Q. And that is one of the  
14 areas where there is agricultural development?

15 MR. KAVANAUGH: A. Yes.

16 Q. And you mentioned the other area?

17 A. Dryden.

18 Q. And that is the other one where  
19 there's agricultural --

20 A. Yes.

21 Q. If you look closely at the photograph  
22 you're pointing to, can you actually see that that is  
23 an agricultural area as opposed to a forested area?

24 A. No, I can't.

25 Q. Oh, that's fine. I haven't been able

1 to get a close look at it, I thought that it might be  
2 visible. You have been to those two areas; have you?

3 A. I have, many times, yeah.

4 Q. And they are agricultural areas?

5 A. Yes.

6 Q. And you have been through the rest of  
7 the Treaty 3 territory?

8 A. Yes, I have.

9 Q. Are there any other major  
10 agricultural areas other than those two in the Treaty 3  
11 territory?

12 A. Not that I know of, no.

13 Q. What is on the ground through most of  
14 the Treaty 3 territory?

15 A. Okay. In terms of forest, I guess if  
16 one was to draw a line, I don't know, somewhere  
17 inbetween north of it you'd discover boreal forest  
18 which is mainly spruce, pine and balsam, and again, if  
19 you were to draw that line, I don't know, someplace to  
20 the south we have the Great Lakes and St. Lawrence  
21 Forest which is a mixture of wood, but hardwoods.

22 Q. Where is your home community?

23 A. Right over here.

24 Q. And that's Whitefish Bay?

25 A. Whitefish Bay, yeah.

1 Q. What are the main types of tree that  
2 grow, say, in the 20 or 30-mile radius around Whitefish  
3 Bay?

4 A. There's a mixture of pines, spruce,  
5 some softwood like poplar and basically that's it.

6 Q. Now, I know you pointed to it on the  
7 map, but for the written record, could you describe  
8 briefly where Whitefish Bay is in relation to other  
9 landmarks or places?

10 A. Okay. Geographically speaking we're  
11 about 55 miles south of Kenora on the -- situated just  
12 off Highway 71 adjacent to Sioux Narrows which is about  
13 five miles from the community and we're at, I guess you  
14 could say, the headwaters of Lake of the Woods.

15 We're on a river system that enters Lake  
16 of the Woods and to the south of us lies Fort Frances  
17 which is about 85 miles from Whitefish Bay.

18 Q. Thank you. Now, I have some  
19 questions about what happens to non-Indian communities  
20 when the resource base for those communities dries up.

21 It says in the witness statement that  
22 there's a tendency for these communities or the people  
23 who work in resources to leave after the jobs are not  
24 there any longer, and I would like to ask various of  
25 you to give us some examples from this territory you're



1 personally familiar with, and I would like to do it by  
2 type of resource.

3 MR. COLBORNE: Madam Chairman, I don't  
4 want to suggest that what we're doing here is any kind  
5 of a scientific survey, I'm definitely just asking  
6 these witnesses about situations they know of in their  
7 immediate area that they have personally observed.

8 Q. So the first question has to do with  
9 lumbering, and I understand that, Roy Carpenter, there  
10 are areas that you have personal familiarity with where  
11 there have been people living for purposes of lumbering  
12 and then something has happened.

13 So can you tell us a little bit about  
14 that?

15 MR. CARPENTER: A. Yeah. I think the  
16 most noticeable one over the years would be the Colenzo  
17 Mill that used to be located to the south of CNR main  
18 line on Red Lake Road. That mill closed down some  
19 years ago when Dryden had a modernization to their pulp  
20 mill in Dryden. They just didn't fit into the plans,  
21 therefore, it had to be put out of operation.

22 So the side effect was that some of the  
23 employees had to now commute to Dryden to go to work,  
24 some had to move to Red Lake to find employment  
25 elsewhere.

1                   And then the other one that was affected  
2     due to the dispute over, call it what you may, maybe a  
3     labour dispute, was the logging camp that used to be  
4     situated at Camp Robinson. I think it was back in the  
5     70s or the early 80s that Camp Robinson ceased to exist  
6     as a community because of labour disputes.

7                   Q. And what happened to the people who  
8     lived there?

9                   A. Well, that little community, I don't  
10    think it's there any more; if it is, there might be one  
11    or two heads that you could probably count. At one  
12    time there was about 15 or 20 houses there that were  
13    occupied by families from the Kenora area and  
14    surrounding district. It wasn't that the resource was  
15    depleted, it's just the management and the unions were  
16    at odds.

17                  Now, if you go a little more closer to  
18    the home front, Hudson; at one time Hudson had four  
19    sawmills operating back in the late 40s and the early  
20    50s. Again, I think some had to do with the markets  
21    but certainly evidence is there that when industry  
22    leaves so do the people also leave.

23                  Hudson has never flourished as a town. I  
24    think the population has always been around 600 and  
25    probably a 300-dog population and one grouse.

1 Q. Can you indicate where your home  
2 community Lac Seul is and where Hudson is in relation  
3 to it?

4 A. Hudson is on the south shore of Lost  
5 Lake located here on the map and I'm just across the  
6 bay there known as Frenchman's Head.

7 The north portion of the reserve is  
8 Kejick Bay. Again, part of Lac Seul. The other  
9 community is Whitefish Bay, but bear in mind that these  
10 two communities at one time were all on the same  
11 peninsula. It is when the dam went in that it turned  
12 that Kejick Bay into an island. So that's why they are  
13 sort of separated.

14 MR. MARTEL: What was the name of that  
15 second community? Lac Seul and...

16 MR. CARPENTER: Well, Lac Seul is the  
17 reserve. Frenchman's Head is the south portion of Lac  
18 Seul and Kejick Bay is the northern portion and to the  
19 west in Whitefish Bay, but it's all one reserve.

20 MR. COLBORNE: Q. Now, Mr. Carpenter, I  
21 understand that in that area near Lac Seul that you are  
22 most familiar with there are also examples of  
23 communities that were established for purposes of the  
24 railway, but there is nobody there because the jobs are  
25 gone. Can you tell us what those are and what you know

1 about them.

2 MR. CARPENTER: A. Well, first of all, I  
3 guess going back again with the railway, I think there  
4 is one community that I know of that isn't there  
5 anymore, is Superior Junction. Part of it is known as  
6 Alcona. I shouldn't say Alcona, but Alcona is adjacent  
7 to Superior Junction.

8 There are still a few homes in that area,  
9 but if you drive along that highway you will see  
10 remains of foundations that were there at one time, but  
11 people aren't there anymore.

12 Q. I think there is also a location near  
13 Lac Seul that was formally a town that was built for  
14 construction; is that right? Could you tell us about  
15 that?

16 A. This would be going over to the Ear  
17 Falls area up in here. Ear Falls has a Hydro dam here  
18 and it also has another one down at Manitou, the  
19 Manitou dam.

20 During construction, there was a little  
21 town there and when construction was completed that  
22 town became extinct. There is only the tourist camp  
23 there now and some buildings and there are no employees  
24 living close by there. Manitou is remotely controlled  
25 from Ear Falls with some service personnel going down



1 to check up on the generators and so forth, but  
2 evidence is there that it has been that way many years  
3 ago.

4 Q. I would like to direct my next  
5 question to Mr. Watts. This has to do with examples in  
6 your area, the area that you are most closely familiar  
7 with, of communities that were established for resource  
8 extraction purposes, but are no longer there.

9 I think the ones you are going to tell us  
10 about are mining?

11 MR. WATTS: A. Okay. Can I show it on  
12 the map?

13 Q. Yes, please.

14 A. Let me find my bearings here first.

15 The biggest one I can think about - I  
16 wasn't around, I was very young when it closed down -  
17 was called Gold Rock. At one time there was a  
18 community of 2,000 people there.

19 Last year and all there is one small  
20 little tourist operation where the mine used to be, and  
21 we also had smaller mines close to our community.  
22 There is as little community on the highway called  
23 Diment or (inaudible) corner as you are driving through  
24 the highway. There are smaller mines there, four or  
25 five of them in that area. Maybe 200 people at the

1 most in all five mines, but they close down and there  
2 is nothing living there now. Just abandoned mine  
3 shafts in that area. \*

4 They are the only ones that I know about.

5 Q. Now, you are not far from Ignace.

6 Ignace is a big mining town; right?

7 A. Right.

8 Q. What's happening with Ignace.

9 A. I forget the name, he north of Ignace  
10 there, a mine just closed down there. I knew it this  
11 morning. Just two weeks ago it closed down.

12 Q. Are there any mines operating in the  
13 Ignace area after this one has closed?

14 A. Not that I know of.

15 Q. My next question, unless you have  
16 more to tell us about --

17 A. As you know, Atikokan had a mine at  
18 one time. Half the population of Atikokan moved away  
19 someplace.

20 Q. I want to ask my next question of  
21 Francis Kavanaugh again.

22 I direct your mind to the area around  
23 your community that you are most familiar with. What  
24 do you see there in terms of tourism and what has  
25 happened when the tourist trade declined?

1 First of all, tell us about tourism in  
2 your area?

3 MR. KAVANAUGH: A. Tourism. I guess in  
4 our -- as you probably know, Sioux Narrows is a major  
5 destination point for the tourists per se from  
6 Manitoba, points in the states like Minnesota,  
7 Wisconsin, Michigan, Iowa and it's a popular site to  
8 visit.

9 It used to be, but since, I would say,  
10 about eight to ten years ago they built the highway  
11 connecting Dryden to Fort Frances which provided an  
12 alternate route for people wanting to travel to other  
13 points in northwestern Ontario like Dryden, Red Lake,  
14 Ear Falls, Vermilion Bay.

15 They found, like I say, an alternate  
16 route which effectively bypassed Sioux Narrows and  
17 Sioux Narrows at one time was a stop-over for many  
18 overnight people. Some came back for many years on  
19 end.

20 Like I said, when I was younger I used to  
21 see Sioux Narrows, you know, with a bustling population  
22 of about 6- to 8,000 people in the summer. Now maybe  
23 1,000 is an estimate of the peak period of Sioux  
24 Narrows nowadays because. There isn't just -- there  
25 isn't tourists there any more. That is counting other

1 factors as well.

2                   There's too many regulations in place,  
3 MNR's regulation, the price of gas, bush trees. You  
4 know, they are just killing the tourist trade. In  
5 fact, if you look at another abandoned mine shaft, we  
6 have right in Sioux Narrows a bar which is called the  
7 Mine Shaft. You know, if you'd walk in there any given  
8 night you would see the place full of tourists, you  
9 know, basically rocking to county music and whatnot.  
10 Now when you walk in there you don't see anybody, just  
11 people from Whitefish Bay. They are wholly supporting  
12 that place. If it wasn't for the community of  
13 Whitefish Bay that place would be shut down.

14                   As well, there is -- a lot of places are  
15 starting to get boarded up. People just pull up and  
16 leave.

17                   Q. What happens to the people who run  
18 the tourist businesses and the non-Indians who work in  
19 them once they close down?

20                   A. Basically they relocate to greener  
21 pastures.

22                   Q. I have some questions now that have  
23 do with the material in the evidence statement about  
24 how hard it is to get correct numbers in terms of  
25 population of the Treaty 3 communities -- or the



1 Ojibway communities in the Treaty 3 area.

2 I would like to tell you, Madam Chairman,  
3 and possibly this is particularly for Mr. Freidin. I  
4 have been so perplexed by the seeming incongruity of  
5 all these numbers that I have asked the economist who  
6 are going to be here as our Panel 5 to take one last  
7 hard look at it and try to make some sense of it by the  
8 time they come.

9 So although I am going to ask these  
10 witnesses what they can tell us about these problems  
11 with counting population, I may have some further  
12 evidence on this in Panel 5.

13 It's a very confusing area. In fact, I  
14 had two consultants work on it for me and neither of  
15 them could give me any answer. They both sort of threw  
16 up their head -- threw up their hands and gave me a  
17 bunch of paper and said: I can't figure it out.

18 So these witnesses will be able to tell  
19 us something and I think what they will be able to tell  
20 us is -- give us some clues as to why it is so  
21 confusing.

22 Anyway, I don't care who answers these  
23 questions. I know some of you have told me beforehand  
24 some of the crazy or horror stories or whatever it is  
25 about counting people. So go ahead and just cast in

1 your information as you like.

2 I will begin by saying, can somebody tell  
3 me what's different between a status Indian and an  
4 Indian who is not status?

5 MR. WATTS: A. Okay. I will start. As  
6 you know, I don't have status. I like to think --

7 Q. The Board doesn't know that.

8 A. Well, they didn't know until I told  
9 them. I'm not recognized in the Indian Act as an  
10 Indian.

11 Q. Why is that? What happened?

12 A. Well, it started many years ago when  
13 I was a small child with the boarding school system.  
14 My grandmother took me to the trapline and hid me from  
15 any white man that ever came around.

16 So as a result, when Treaty day came I  
17 was asked if I was going to school and my grandma said:  
18 No. Well, you can't be list then, you cannot be an  
19 Indian. So I haven't been an Indian since in the eyes  
20 of the government anyway.

21 Q. Are members of your family status  
22 Indians?

23 A. Yes, my mother is status and my  
24 father was status; he died.

25 Q. Do you have brothers or sisters?

1 A. Yes, 14.

2 Q. Are they status or some of them?

3 A. They are, yes.

4 Q. All of them?

5 A. All of them.

6 Q. You are the only one who isn't?

7 A. Right. I was singled out.

8 Q. Do you speak the Ojibway language?

9 A. (response in Ojibway)

10 Q. I understand that you are going to  
11 put your name forward for something soon. What is  
12 that?

13 A. Right now I am actively campaigning  
14 to be the chief of the reserve.

15 Q. Can you be the chief without being an  
16 Indian?

17 A. The Indian Act says I can.

18 Q. So it is possible, say, this time  
19 next year you could be sitting here and saying, I am  
20 not an Indian, I am just the chief?

21 A. True.

22 Q. Okay. Now, I understand -- I don't  
23 want to interrupt, Mr. Watts, if you have more to say  
24 about this quite confusing subject, but I did want to  
25 ask Francis Kavanaugh a question because I think he had

1 something to do with gathering census information at  
2 one time.

3 What was that Mr. Kavanaugh?

4 MR. KAVANAUGH: A. I think it was around  
5 1971 when I was home for summer holidays that I had a  
6 job conducting census on the reserve and I went around  
7 visiting the houses on the community, and some of the  
8 people I visited were kind of reluctant to fill out the  
9 questionnaires. Some felt questions in there were too  
10 personal and, you know, basically they were wondering  
11 why, you know, I was carrying that questionnaire  
12 around.

13 So what happened was, I would say about  
14 anywhere from 30 to 40 per cent of the households in  
15 Whitefish Bay did not fill out those census forms. So  
16 basically there were just left off as not being there.  
17 That's been my experience of census.

18 Q. Okay. Mr. Kavanaugh, I understand  
19 you have something to tell us also about this division  
20 between on-reserve and off-reserve from your own  
21 personal experience. Where were you born?

22 A. I was born in the Dryden area, Eagle  
23 Lake, but as things turned out, my mom and dad  
24 separated before I was one. Subsequently, my mom moved  
25 back to her home community which is Whitefish Bay and

1 because of the way the Indian Act governs daily lives  
2 on Indian Reservations, the act said I was a resident  
3 of -- I belonged to Eagle Lake.

4 So as such I wasn't entitled to any  
5 services of education or whatever, maybe housing in the  
6 future at Whitefish Bay where I grew up, and subsequent  
7 to that in '74 I transferred to Whitefish Bay, just a  
8 paper transfer. I applied.

9 My then home community Eagle Lake where I  
10 was born made application that I wanted to me  
11 transferred to Whitefish Bay so I could have access to  
12 their programs and services. So I was transferred to  
13 Whitefish Bay. Then and only then was I eligible for  
14 services or any other programs or infrastructures they  
15 have in Whitefish Bay, but before that I was  
16 non-existent. I was just there, I was just a person  
17 living at Whitefish Bay. That's basically it.

18 Q. And you had lived there since you  
19 were just a baby?

20 A. Since I was about 11 months old.

21 Q. Now, up to 1974 then, if you were  
22 looking at numbers -- if you were look at these lists  
23 that we sometimes see with the name of a Band and then  
24 it says on reserve and off reserve, you would have been  
25 Eagle Lake off reserve; is that right?



1 A. Yes.

2 Q. Okay. Just going back to that for  
3 Mr. Watts, you would have been just not anywhere?

4 MR. WATTS: A. No.

5 Q. You were just not an Indian?

6 A. A nobody.

7 Q. Where were you living during the  
8 years you were growing up?

9 A. On the reserve.

10 Q. Now, there a thing called Bill C31  
11 that is mentioned. Does anybody want to say anything  
12 about Bill C31 and how that has affected the question  
13 of counting numbers in terms of populations of the  
14 Ojibway communities?

15 MR. KAVANAUGH: A. I guess it's a piece  
16 of legislation that allowed persons like Paul Watts to  
17 apply for membership to an Indian Band providing that  
18 Paul could approve that he had Indian blood in him.  
19 That's recent legislation. I'm not sure, about three,  
20 fours years ago.

21 Q. Has that caused much of a change in  
22 the numbers, when you look at numbers and try to relate  
23 them to reality? Has that caused much of a change in  
24 the numbers?

25 A. Not in terms of on-reserve

1 population, but the membership of reserves, if I could  
2 use the term, ballooned.

3 Like, in our case, we have I think about  
4 200 Bill C31 people and I guess what that means is that  
5 if those 200 people were to move on the reserve we'd  
6 have to divy up our programs and services to another  
7 200 pieces, you know, which diminishes the other service  
8 we are now -- services we are now receiving.

9 Basically there is no money in place for  
10 Bill C31, Bill C31 Indians when in fact they said they  
11 would be monies available. There isn't any.

12 Q. Does this mean that there are people  
13 who if there was money available would move to the  
14 reserve but don't because there is no money available?

15 A. My observation has been that Bill C31  
16 people are only interested in getting certain benefits  
17 like taxation, and I guess that's basically it.

18 They just want to be able to carry a card  
19 that says they're Indian. There hasn't been very many  
20 people moving back to Whitefish Bay anyways.

21 Q. Okay. Now, is there such a thing as  
22 a person who has a card and that says that that person  
23 is an Indian but it is not a member of an Indian Band?

24 A. Yes, there is. Yes.

25 Q. Okay. Is there such a thing as a

1 member of an Indian Band now that doesn't have a card  
2 that says that that person is an Indian?

3 A. Could you rephrase that?

4 Q. Okay. Is there such a classification  
5 as this now, a person who is on a Band list but is  
6 not -- no, sorry. I got that wrong.

7 A person who is a member of a Band by the  
8 Band's own rules but is not a status Indian? If that's  
9 something you don't have knowledge of, that's fine. I  
10 recognize that's a pretty technical question.

11 A. I understand what you're saying, but  
12 I can't think of a situation on our reserve anyways.

13 Q. Okay. Chief Wilson?

14 CHIEF WILSON: A. Okay. Maybe just as a  
15 preamble to what I'm going to say and sharing that same  
16 experience.

17 I have been a Chief for 20 years and have  
18 seen some of the things that has happened over the last  
19 years, pieces of legislation that has happened. C31  
20 was different to a lot of the legislation that doesn't  
21 have discussions amongst any country.

22 C31 came in and to many of the  
23 communities who did not have the opportunity to develop  
24 their own membership codes were caught in a sense of --  
25 both to the individual who is applying for C31 and may

1 have some connection to that reserve because its  
2 father, mother may have come from that reserve or  
3 itself came from that reserve. It might have lost it  
4 because it wanted to join the arm forces or wanted to  
5 buy liquor at that time and give up that status because  
6 it wanted to be free enough to go and vote or go by  
7 liquor.

8 In saying some of these things, these are  
9 the kind of confusions that has happened in the  
10 communities. You talked about census. We have on a  
11 monthly basis a list, a new list every month of who our  
12 new members are. Communities such as ours, for  
13 example, we have non-status people living on the  
14 reserve who are maybe from another reserve. We have  
15 people are who are non-Indians living on reserve and  
16 the reason for that is that they have married a person  
17 who has status on the reserve.

18 We have now C31 people who are making  
19 application to us and various kind of services,  
20 housing, et cetera. It also has the opportunity of  
21 being able to be involved in the various economic  
22 development opportunities that is there.

23 The confusion comes when the real people,  
24 the original people, the ones who have their status,  
25 have been living there are now, not by choice or no

1 piece of legislation but because of the services that  
2 are available that -- the various kinds of resources  
3 are more accessible by those kinds of people rather  
4 than the original people who lived there and are not  
5 able to obtain those kinds of services.

6 So the things that we are faced with,  
7 again, is being able to access the various kinds of  
8 resources. We have to access them through the Bill  
9 C-31 resource area which is, again, limited in our  
10 situation there.

11 Where we have 150 plus, the number is  
12 going up and down, if these people were to make  
13 application back to us we would not have the  
14 infrastructure to accommodate any kind of movement.

15 Even if we look at 10 per cent of that we  
16 would not be able to accommodate it because our  
17 infrastructure in the community of water and sewer and  
18 trying to live up to those standards, we would not be  
19 able to meet, as well as various other kinds of  
20 services.

21 So what is happening because of this  
22 piece of legislation, it's forcing us as well to create  
23 our own policies, without the tax base, without the  
24 resource base and without any other kinds of  
25 development to assist being able to have these people



1 on reserve.

2 What we're doing right now, what is  
3 happening because this movement may be coming in, is  
4 that we are creating a social -- the conditions  
5 socially are becoming more endurable because we are  
6 putting people back into houses, where we had them  
7 before we had four or five families living in houses.

8 We at one point almost were successful in  
9 being able to have one home, regardless of the  
10 condition it was, that there was at least one family  
11 living in those, but because of this C-31 we are  
12 starting to see this thing happening now because the  
13 status Indian people do not get the same service as the  
14 C-31s.

15 We're also faced with the fact, and we  
16 don't have policies in place of the non-Indian people  
17 who marry on the reserve and are able to move on the  
18 reserve.

19 Now, to a certain degree to us it's good  
20 because they also bring the technical knowledge with  
21 them, accountants, whatever.

22 We have a sawmill as an example. We  
23 have -- we need some of those kinds of people because  
24 technically they can do some things that we haven't yet  
25 trained or learned or effected it. So C-31 certainly

1 has done a lot for us, but has done a lot of damage to  
2 us in not understanding how the movements we're making.

3 Those movements should have been in  
4 various stages so it allows the infrastructure to  
5 happen, it allows to start to develop into various  
6 kinds of levy basis that you're going to need in order  
7 to maintain -- operate and maintain those kinds of  
8 services.

9 Communities now are facing from -- if  
10 you're looking at it from a financial point of view,  
11 they're heading for bankruptcies because they cannot  
12 meet financially those kinds of commitments.

13 Q. Are there some of them then where  
14 there are quite a few new people moving in? Mr.  
15 Kavanaugh said that at his home community it's not that  
16 there's a huge number of people moving in, the effects  
17 are of a different type.

18 So are you telling us that in some  
19 communities there are actually substantial number of  
20 new people moving in?

21 A. Yes.

22 Q. Does that apply at your community?

23 A. Okay. I'm going to give you my  
24 example and an example of another community that has  
25 that large fluctuation, Couchiching Reserve in Fort

1 Frances has increased their population -- I mean,  
2 increased their structure, infrastructure which means  
3 housing and all the other services that are needed  
4 there, that are required, has had a very visible  
5 increase in C-31 people coming back.

6 In our community of the 150 we have only  
7 been able to accommodate 10 per cent because we just  
8 can't move that quickly.

9 Q. Okay. Just so I am clear, 150 new  
10 band members through Bill C-31?

11 A. Yes.

12 Q. About 10 per cent of them have moved  
13 onto reserve?

14 A. Yes.

15 Q. What do the other 90 per cent want,  
16 do they want to, or some of them yes; some of them no,  
17 or what?

18 A. Okay. Any time that we have talked,  
19 we don't have an application system. If they wanted to  
20 move in and bought their own tepee if you want, yes,  
21 they could, but I think that we also have other safety  
22 problems and et cetera that accommodate us, so we're  
23 not discouraging that to happen, what we're saying is  
24 we don't have it.

25 If and when the times comes, yes, and we

1 are able to help you with being able to provide you  
2 with service, then perhaps at that point.

3 So what is happening, in many cases now  
4 the original people; that is, from my community are now  
5 transferring to other communities because that's where  
6 the service is, and I, in my community, have no choice  
7 in that, when this individual and is accepted by  
8 another community, that original person can move to  
9 another community.

10 So what I'm being left with is these  
11 people who we don't know about, doesn't understand our  
12 culture. And the way we live now, they have missed out  
13 altogether. We have membership in our community who  
14 are from the United States and we are providing  
15 services. Again, that is a demand that's there, it's a  
16 necessity and it's a policy with Indian Affairs, we are  
17 providing services that we have never seen in our  
18 lives.

19 Q. Thank you, Chief Wilson.

20 A. At the same time the original people  
21 are not getting it.

22 Q. Okay. I had been asking questions  
23 about the problem with trying to count heads in terms  
24 of members of the communities, and what you have all  
25 said has, I think, been very helpful in explaining why

1 it's so hard to get exact numbers.

2 Does anybody have anything to add before  
3 I go on to another topic? Thank you.

4 My next question, I'll address this to  
5 Mr. Kavanaugh. How many bands are there in Treaty 3?

6 MR. KAVANAUGH: A. Okay. For purposes  
7 of the organization Treaty 3 itself there are 25 bands,  
8 but because of the way Indian Affairs have structured  
9 bands I guess there's some communities -- some bands  
10 have two communities, like an example would be the two  
11 Northwest Angle bands.

12 We have adjacent to Whitefish Bay two  
13 communities, one is Northwest Angle 33, the other is  
14 Northwest Angle 37, and each of those two communities  
15 have other communities out in -- south of Lake of the  
16 Woods and, as well, there are -- and another band in  
17 Fort Frances area, we call it Clear Rainy Lake 17, they  
18 also have two communities.

19 So if you were to look at that, you would  
20 probably end up with about 30 bands.

21 MR. COLBORNE: Madam Chairman?

22 MADAM CHAIR: Yes, Mr. Colborne.

23 MR. COLBORNE: This is Rocky Seymour who  
24 has just joined the witness table. He is also a member  
25 of the Board of Directors of the Indian Forestry



1 Development Program. He's from the Rat Portage band  
2 which is right adjacent to us here in Kenora, is just a  
3 few miles away.

4 I knew he was delayed. I had been hoping  
5 he would make it by the time we started, but he didn't  
6 quite, but I do welcome him.

7 MADAM CHAIR: The Board welcomes Mr.  
8 Seymour as well. Mr. Seymour, would you mind being  
9 sworn?

10 MADAM CHAIR: Okay. If you could just  
11 approach our table. That's great.

12 Thank you.

13 ROCKY SEYMOUR; Sworn

14 MR. COLBORNE: Q. Now, Mr. Kavanaugh, I  
15 asked you about the number of bands and you told us  
16 about how many actual communities there are and I think  
17 we're going to be hearing from other witnesses about  
18 where they're located and so on.

19 But what I wanted to know from you is,  
20 just generally speaking how do they operate, how does a  
21 band operate, and you've been a councillor for 20 years  
22 I think and you've had other exposure to the internal  
23 workings of Indian bands, so if you could just tell the  
24 Board approximately how bands operate?

25 MR. KAVANAUGH: A. Basically Indian

1 bands have fiscal arrangements with the federal  
2 government and, to some degree, with the province and  
3 as far as band politics go, the power remains with the  
4 band membership who, under the rules and regulations in  
5 the Indian Act, hold elections to elect a Chief and  
6 councillors who then are charged with the  
7 responsibilities of running the affairs of the  
8 community.

9 But because of the situation that you  
10 can't expect band council to run everything, like as  
11 one unit, a lot of times you'll see a band councils  
12 delegate some of their authority to another body, like  
13 say, you might have -- like, in our community we have  
14 our own school, junior kindergarten to grade 12, so  
15 band council a few years back delegated that  
16 responsibility to an education authority who in turn  
17 conducts the affairs of the school, but ultimate  
18 authority still lies with the band council.

19 The same can be said with housing, we  
20 have housing authorities. I guess that's basically it.

21 Q. And are there variations from  
22 community to community as to how the internal  
23 decision-making takes place?

24 Maybe I should ask that question of Chief  
25 Wilson, he's been Chief of his band for years. Would

1 you say that it's about the same no matter where you  
2 go, or that there are variations from one Treaty 3  
3 community to another?

4 CHIEF WILSON: A. No, it's pretty well  
5 the same. Recent movements have been that tribal  
6 council -- in given areas, Treaty 3 is sort of in three  
7 geographic areas, Fort Frances, Kenora and Dryden.  
8 Each of the areas have -- some of the areas have  
9 elected to use tribal councils. The tribal councils  
10 are designed in a way to be an administrative advisory  
11 group to the communities. So to that degree there is  
12 an extension of services.

13 Q. So that forms a bit of an umbrella or  
14 something of that type?

15 A. Yes.

16 Q. So each --

17 A. A vehicle to be able to communicate  
18 with other communities and be able to look at the  
19 various kinds of policies for the delivery mechanisms  
20 of resources.

21 Q. Who controls the lands and the  
22 resources on reserves? I'll ask Mr. Kavanaugh this  
23 question.

24 MR. KAVANAUGH: A. The Minister of  
25 Indian Affairs.

1 Q. How does that work, where does the  
2 Minister of Indian Affairs get the power to do that?

3 A. I guess in their infinite wisdom  
4 the federal government at one time drafted up the  
5 Indian Act which controls basically the daily lives of  
6 Indian people on reservations.

7 Q. Okay. So the Department of Indian  
8 Affairs has that control. I want to ask you a few  
9 questions about how they actually operate, you know,  
10 how it works day-to-day, and if any of the other  
11 witnesses wants to jump in and tell us more, go right  
12 ahead.

13 The example I would like to use is  
14 forestry, because that is what we're talking about  
15 here.

16 So, Mr. Kavanaugh, if you for example got  
17 together with some other people at Whitefish Bay and  
18 said: Okay, there is an area of forest here which  
19 would be good to harvest, we think we can sell the  
20 wood, we want to get something going, what would you  
21 have to do, where would you go and how would it work?

22 A. Okay. I would first have to consult  
23 with Indian Affairs.

24 Q. Where are they?

25 A. They're in Thunder Bay. Basically I

1 would ask permission, you know, we have got this idea  
2 and we want to log this area.

3 Q. And do you know anything about their  
4 internal workings; like who it is you ask, or who you  
5 have to check with?

6 A. It's Lands and Reserves, then they'll  
7 ask -- they'll in turn ask you some requirements you've  
8 got to fulfill before they issue you a permit.

9 Q. What kind of things are those?

10 A. There's -- not very familiar with, I  
11 think they're called stumpage fees. You've got to get  
12 something from the provincial government anyways, MNR  
13 and there's some kind of a fee, a provincial rate,  
14 okay.

15 If you can get that confirmed, those  
16 rates, then you also require a contract from, like say,  
17 Manitou Lumber and in that contract you have to state  
18 how many -- how much cords of wood you're going to  
19 deliver to Manitou Lumber and at what price.

20 That contract has to be signed by both  
21 parties. Then and only then Indian Affairs will issue  
22 a permit.

23 Q. Do you know if they make any  
24 inquiries to see if the area that you want to log is a  
25 good one in terms of forest planning?



1 Do they look into the age of the trees,  
2 the quality of the wood, whether it might be better to  
3 hold off for a few years, that kind of question, or do  
4 you know?

5 A. I am not aware. Although we have  
6 to -- you're required to submit also a map of the area.

7 Q. I'll ask Chief Wilson that question,  
8 I think he's indicating that he has the knowledge on  
9 that.

10 CHIEF WILSON: A. Let me just--

11 Q. Go ahead.

12 A. --try and give you a picture of the  
13 process.

14 When an individual or a company or a band  
15 itself wants to cut on the reserve for the purpose of  
16 harvesting any wood, it will then -- first, it will  
17 have some idea where it's going to sell it, that's the  
18 first step.

19 The second step then is to identify the  
20 amount of cordage that you have there, okay, that you  
21 need. I'll give you the example, if someone wants a  
22 thousand cords that person will go to the band council  
23 and say I need a thousand cords. Well, obviously, band  
24 council knows that there's a thousand cords out there,  
25 hopefully.

1                   And I want to get into a little bit of  
2                   this here after, because what that individual then will  
3                   do will say: Okay, I have permission now to cut this.  
4                   We as a band council on the other hand will then have a  
5                   resolution which is then sent to Indian Affairs and  
6                   says: Hey, we are going to allow this individual to  
7                   cut a thousand cords of wood. In many cases it's sort  
8                   of a rubber stamp situation.

9                   Then the person after getting his  
10                  approval will go to its purchaser, it may be Boise  
11                  Cascade or someone else and say: Okay, I'm prepared to  
12                  sell you the wood.

13                  Now, in the resolution the individual,  
14                  whoever is the purchaser has to guarantee the stumpage  
15                  and that stumpage goes directly to our -- right to  
16                  Indian Affairs which they will credit to our accounts  
17                  to that reserve's account, okay.

18                  Now, it is -- Indian Affairs is the  
19                  trustee of those lands, it has a feduciary  
20                  responsibility to those lands and should be well aware  
21                  of the conditions of those lands and what happens to  
22                  those lands in the event of rehabilitation.

23                  I want to go back to 1985 when we started  
24                  the IFDP program. It took us -- took a lot of  
25                  political strength, took a lot of will to convince

1 Indian Affairs that we have to start rehabilitating  
2 some of those reserves that have been raped and reraped  
3 and raped over again, because there were never any  
4 management plans nor did Indian affairs -- nor has  
5 Indian Affairs then or now had no method of  
6 understanding what's on those reserves.

7 Q. So that even applies right now?

8 A. Yes.

9 Q. If somebody made that phone call  
10 today, there's nobody at Indian Affairs in Thunder Bay  
11 who is going to look up and see if that's the right  
12 area to harvest or the right type of wood or the right  
13 age or size?

14 A. Whatever.

15 Q. Anything like that, they don't look  
16 into that at all?

17 A. No, nothing. Or in the event that  
18 the individual says: Yes, I need a thousand cords of  
19 sawlogs, which is probably about a 30 per cent recovery  
20 in many trees, so consequently you could be leaving 66  
21 per cent of the tree in the bush because you don't have  
22 no use for it or you don't have no sale for it or  
23 whatever.

24 Now, Indian Affairs is the responsible  
25 trustee and has not investigated or even looked at the

1 area what is happening.

2 Q. I am really getting off track here,  
3 but I can't help but ask, does IFDP get involved at all  
4 right now on points like that, or is that beyond what  
5 IFDP does?

6 A. IFDP now is providing management  
7 plans for communities. Prior to us moving into a  
8 community -- we have to be asked by the community,  
9 first of all and then we try and determine what does  
10 the community want. In many cases they will ask us for  
11 a forest management plan in a given area, in doing  
12 silviculture planning.

13 We have been asked in several communities  
14 to now start looking at timber management planning  
15 where then we look at the -- we start - I'll let Ron do  
16 the technical part of this here - where we start to  
17 determine the size of the trees, and we'll do road  
18 locations and et cetera, make recommendations in that  
19 sense and hopefully the community then will look at  
20 that and extract a sustainable yield out of that area.

21 And that's going to be very difficult for  
22 us to do over the next few generations because many of  
23 the communities have reraped -- as I said, have raped  
24 and reraped their communities to a degree where it  
25 takes a lot of work to bring it to any sustainable

1 stage.

2 Q. Okay. I wanted to ask you, Chief  
3 Wilson, about a point that Mr. Kavanaugh made because I  
4 was curious about it, maybe you can clarify.

5 I think Mr. Kavanaugh said that at a  
6 certain point you had to get something from MNR. Do  
7 you know about that?

8 A. Okay. It's a permit which allows you  
9 to cut the wood, and I guess -- I'm not sure if that  
10 permit is used in terms of knowing what's being cut in  
11 Ontario, or if it gives you permission -- certainly  
12 they can't give you permission to cut on a reserve.

13 Q. So it may be an information sheet?

14 MR. FREIDIN: I'm sorry?

15 MR. COLBORNE: I'm sure we can clarify  
16 that before the --

17 MR. MARTEL: Why don't we do it now,  
18 because I think he said you needed a permit to cut off  
19 reserve, that you can't get a permit for on-reserve  
20 from MNR; is that right?

21 CHIEF WILSON: Mm-hmm.

22 MR. KAVANAUGH: No.

23 MR. COLBORNE: Go ahead.

24 MR. KAVANAUGH: It's something to do with  
25 stumpage rates.



1                   MR. FREIDIN: I think -- my understanding  
2                   is, maybe we can clarify this, that the federal  
3                   government, because the stumpage that the company who  
4                   received the wood from the reserve have to pay stumpage  
5                   which goes to Indian Affairs which goes into the  
6                   reserve's fund to be managed by Indian Affairs, that  
7                   the band must provide information as to what the  
8                   stumpage rate is in Ontario at the time and the Feds  
9                   use that stumpage rate as being the minimum stumpage  
10                  rate that the company, Boise, have to pay to Indian  
11                  Affairs.

12                  I don't think there's a matter of  
13                  approval here. I can check on that, but I think --

14                  CHIEF WILSON: No, it's not matter of  
15                  approval.

16                  MR. FREIDIN: Just to find out how much  
17                  money should the recipient pay to the federal  
18                  government in stumpage.

19                  MR. MARTEL: Tell me something, maybe  
20                  somebody can help me. Why wouldn't Indian Affairs know  
21                  that, what the stumpage rate was that is going at the  
22                  time? Why would the onus be on an Indian band to have  
23                  to go out and find out what the bloody stumpage is  
24                  being paid by various companies across the province in  
25                  order to provide that information to Indian Affairs?

1                   Couldn't they just be provided with an  
2                   annual report by the Ministry to the Department of  
3                   Indian Affairs saying: Here's what the stumpage rate  
4                   is this year.

5                   MR. FREIDIN: I can't answer that, you'll  
6                   have to ask somebody from the federal government.

7                   MR. MARTEL: Well, no, it might be  
8                   something that MNR could look into that might save a  
9                   lot of headache for the Native communities, if that  
10                  could be provided to the Indian Affairs Department.

11                  It seems to me to be a lot of work for  
12                  nothing. I guess that's what bothers me. I mean, it  
13                  seems to be so silly asking -- if 10 bands went out and  
14                  were trying to get some harvesting on their own  
15                  reserve, my understanding is all 10 bands would have to  
16                  go and find out what the stumpage rate is and provide  
17                  that information to Indian Affairs.

18                  It seems to me that an annual report to  
19                  Indian Affairs would neatly resolve that whole problem  
20                  for everyone.

21                  MR. FREIDIN: I'm not sure whether  
22                  stumpage -- I can't comment. There have been changes  
23                  over the year. You have to ask the Feds.

24                  MADAM CHAIR: Mr. Kavanaugh, I think Mr.  
25                  Martel's question is: Is this in any way a problem for

1 Indian bands with respect to on-reserve logging.

2 MR. KAVANAUGH: Well, I was just  
3 outlining the processes here that we have to go through  
4 in order to obtain a simple -- even to cut one tree.

5 MADAM CHAIR: Mm-hmm. I think that the  
6 question didn't start with a question about stumpage, I  
7 think our question was what kind of a permit do you  
8 apply for with respect to either on-reserve or  
9 off-reserve logging.

10 MR. SEYMOUR: You have to apply for a  
11 cutting permit.

12 MADAM CHAIR: Yes.

13 MR. SEYMOUR: Which means--

14 MADAM CHAIR: Off-reserve.

15 MR. SEYMOUR: --off-reserve or  
16 off-reserve, including firewood.

17 MADAM CHAIR: Yes. Everyone applies for  
18 an off-reserve cutting permit, but you don't have to go  
19 through that for on-reserve cutting?

20 MR. SEYMOUR: No.

21 MADAM CHAIR: Thank you, Mr. Seymour.

22 Mr. Colborne, is this a convenient time  
23 to have our afternoon break?

24 MR. COLBORNE: Yes, it is.

25 MADAM CHAIR: All right. We will take 20

1 minutes. Thank you.

2 MR. COLBORNE: Thank you.

3 ---Recess at 3:08 p.m.

4 ---On resuming at 3:30 p.m.

5 MADAM CHAIR: Mr. Colborne, do you think  
6 we will be sitting this evening?

7 Do you think we will require the time  
8 this evening in order to be able to finish tomorrow?

9 MR. COLBORNE: Just give me a moment to  
10 ask Mr. Freidin how long his cross-examination may be.

11 I know he hasn't heard all the evidence  
12 yet, but I will ask him.

13 ---Discussion off the record

14 MR. COLBORNE: He says a couple of hours.  
15 Therefore, I believe that if we sat an ordinary day  
16 tomorrow that we would almost certainly be finished  
17 including the cross-examination by the end of the day.

18 So, therefore, I would say there is no  
19 necessity to sit tonight.

20 MADAM CHAIR: All right, fine. Thank  
21 you, Mr. Colborne.

22 MR. COLBORNE: Some of my witnesses have  
23 travelled and just arrived today and some of them  
24 partway through the day, and Chief Wilson was in  
25 Finland about 40 hours ago and Rocky Seymour was just

1 at a fly-in reserve called Lac La Croix so they  
2 probably appreciate having the evening off.

3 I know you have travelled today as well.

4 MS. GILLESPIE: Madam Chair, we may have  
5 some questions, but I think we will be less than an  
6 hour. So I don't imagine that effects the sitting  
7 arrangements.

8 MADAM CHAIR: Thank you, Ms. Gillespie.

9 Shall we go ahead, Mr. Colborne.

10 MR. COLBORNE: Q. It says in the witness  
11 statement that generally the reserves are located close  
12 to and/or have good access to the natural resources  
13 which are most often used for economic purposes in this  
14 part of the country, and I would like to talk mainly  
15 about timber, but you don't have to restrict your  
16 comments to timber.

17 In the case of the five reserve  
18 communities represented here by your home communities,  
19 I would like you to tell me in each case just in  
20 general terms what resources, and particularly what  
21 timber resources, are in the immediate vicinity of your  
22 home reserves.

23 So, Mr. Watts first. Wabigoon, what  
24 timber resource are there in that district?

25 MR. WATTS: A. Well, we have a lot of



1 timber around the Dryden area. The reserve itself is  
2 around 40 -- 25 miles from Dryden from the paper mill  
3 there. Timber is just within a 50-mile radius of  
4 Dryden.

5 Q. What about other resources? Tourism  
6 in that part of the country might be the second most  
7 important resource using activity.

8 A. Yes, there's a lot the of tourism  
9 around the Dryden area.

10 Q. And what about the location --

11 A. Within five miles of the reserve  
12 there's three tourist camps functioning and they are  
13 mostly American and European clientele.

14 Q. So does that mean that the game and  
15 fish resource is still fairly healthy in your area?

16 A. Yes, it is. It's still fairly  
17 healthy. Not as good as it was like, say, 20, 30 years  
18 ago.

19 Q. Now, Mr. Carpenter, I would like to  
20 ask you basically the same questions about Lac Seul.  
21 Is there still good timber in the vicinity of the Lac  
22 Seul reserve.

23 MR. CARPENTER: A. Well, as you know,  
24 Lac Seul consists of over 66,000 acres and a good  
25 percentage of that is merchantible timber. I'm talking

1 about conifer.

2 Q. That's on reserve?

3 A. That's on reserve. We are also  
4 adjacent to the large stands of timber north of Lac  
5 Seul to the northeast and to the northwest towards Ear  
6 Falls. I imagine the Township of Ear Falls would  
7 probably want their share, too. I think the problem we  
8 have is the distribution of the resources.

9 Q. Okay. I was going to come back in a  
10 few minutes and ask each of you what problems there are  
11 in terms of using these resources.

12 Now I would just like to talk to you  
13 about what resources are there. What resources are  
14 nearby that you could use if you had access to them.  
15 So there is the forest. What about --

16 MR. FREIDIN: Are we talking about  
17 off-reserve resources now, Mr. Colborne?

18 MR. COLBORNE: Mainly off reserve. I  
19 think Mr. Carpenter mentioned on reserve because Lac  
20 Seul is a very large reserve so you have to travel  
21 quite a ways before you get to the boundary.

22 Maybe I should pursue that a little more.

23 Q. Mr. Carpenter, off reserve, you have  
24 said that there is also good timber. That's what you  
25 were referring to when you were talking about --

1 MR. CARPENTER: A. I'm talking about  
2 outside the boundaries.

3 Q. Okay. Now, the game and fish  
4 resource that tourism relies on, how is that -- what  
5 state is that in in your area?

6 A. Well, I'd like to think it's in a  
7 healthy condition, but I don't think it's - again,  
8 going back to what Paul has said - I don't think it's  
9 nearly as good as it was, say, 20, 25 years ago or 30  
10 years ago.

11 We have two tourists camps situated right  
12 on the Lac Seul reserve; one on the south portion, one  
13 on the north portion of our reserve. We are involved  
14 in a tourism industry somewhat.

15 Q. Chief Wilson, what about the Manitou  
16 Reserve?

17 CHIEF WILSON: A. Okay. Where we were  
18 situated now we don't have access to timber resources  
19 nor do we have tourism, but it is hopeful that  
20 something can be commercially created.

21 We have a saw mill which has the only  
22 dryer in the Fort Frances area. We import all of our  
23 wood. We don't have DCLs or permits to cut from Crown  
24 lands. We harvest between 3- to 5,000 cords of red and  
25 white pine. We specialize in red and white pine.

1                   We employ 17 people there when it is  
2                   operational -- 17 Indian people when it is operational  
3                   and the remaining is non-Indian people. Do we have any  
4                   other kinds of resources? No. I think there may be  
5                   other questions that relates to access and how that can  
6                   happen.

7                   Q. Where does most of your red and white  
8                   pine come from just in terms of geographic area?

9                   A. We are hauling up to about 120 to 140  
10                  miles depending on the private -- whoever the  
11                  individual will be felling wood to us. It isn't a  
12                  direct allocation from Natural Resource or from Boise  
13                  Cascade.

14                  We have tried to make arrangements with  
15                  Boise Cascade in any of their cut-overs areas that we  
16                  could come in later and cut the wood, but their first  
17                  obligation is to the independent loggers in the area.  
18                  So, consequently, their first obligation is to the  
19                  independent cutters. The independent cutters will  
20                  contract to us. We will purchase the wood from them.

21                  Q. And is it mainly within the Treaty 3  
22                  territory that your red and white pine is cut?

23                  A. Yes.

24                  Q. Mr. Kavanaugh, Whitefish Bay, is  
25                  there good timber still available in the general

1 vicinity of the Whitefish Bay communities?

2 MR. KAVANAUGH: A. There is immediately  
3 north and east of us available stands of timber that  
4 could be utilized if it was easily accessible.

5 Q. What about the other resources which  
6 are commonly thought to be the main economic resources;  
7 that is, the game and fish resource and particularly as  
8 it attracts tourists?

9 A. Well, there's on a personal level a  
10 lot of fish out there. Yes, there is the availability  
11 of resources, both game fish and large game animals and  
12 there's a lot of bass to be found in our area.

13 As I alluded to earlier, tourism is on a  
14 decline. As an industry itself, you used to see Sioux  
15 Narrows flourish right from May the 1st to maybe the  
16 end of August -- no, October. Now you can see a big  
17 drop, you know, right after the end of July. We start  
18 to see -- it is just the streets or the highway around  
19 Sioux Narrows is just devoid of people. You don't see  
20 them any more .

21 Q. Okay. Mr. Seymour, Rat Portage, does  
22 it have good timber in the reasonably near vicinity?

23 MR. SEYMOUR: A. No, not really. Most  
24 of it was cut out being situated close to the Town of  
25 Kenora people. It has been mostly all highgrated and



1 taken out already.

2 Q. What about - as I asked the other  
3 witnesses - the game and fish resource as it is  
4 attracts tourists?

5 A. We have a marina situated on the  
6 reserve which brings mostly the Manitobans in.

7 As for the fishing, I'd say it's pretty  
8 well starting to get fished out, but unless you're the  
9 perfect guide then you know where they are.

10 Speaking in regards to minerals. We had  
11 the highest -- in 1900 we had the biggest mine called  
12 Sultana Island. There is a major one here in  
13 northwestern Ontario, in fact in Canada, and we never  
14 benefited anything out of that one.

15 Also, I would like to point out too, one  
16 of the biggest things is probably Hydro by putting the  
17 Hydro plant down here. It had no benefit to the  
18 people.

19 Q. Okay. Having asked each of the  
20 witnesses from reserve communities about whether or not  
21 these resources are available in the near vicinity of  
22 their reserves, I would like now to ask each of you  
23 what obstacles or barriers you understand to be between  
24 your community and the ability or the right to use  
25 those resources for economic benefit.

1                   Again, could we start with Mr. Watts.

2           You have said that there is good forest that could be  
3           harvested or is being harvested in your area and you  
4           have said that the game and fish resource is still in  
5           reasonable good condition.

6                   What, if anything, stands between your  
7           community and its ability or its right to utilize those  
8           resources?

9                   MR. WATTS: A. Well, most often -- first  
10          of all, I should mention that our allocation for the  
11          cut timber for the reserve is 1,500 cords off reserve.  
12          The work force in our community that do logging is 32  
13          working men. So it works out to 50 cords -- less than  
14          50 cords a year a person.

15                   Right next to where the reserve has an  
16          allocation there is one man, contractor, he has got  
17          1,500 cords also by himself. So he can get to work  
18          year round while it is just a seasonal thing for us.

19                   We tried to increase our allocation.  
20          Some of our members wanted to purchase skidders, but it  
21          is hard to plan in the long-term when you have got 50  
22          cords allocated to you. So a lot of people don't  
23          bother cutting their 50 cords. It's just not worth  
24          getting into logging.

25                   We had a sawmill back in the 60s and we

1 had no sawlogs on the reserve, so we got a small land  
2 base where we get the sawlog from. Within a year we  
3 ran out of timber. We tried to get some more sawlog  
4 material but we couldn't get it from any place. We  
5 tried and the result was the sawmill went broke because  
6 there was no sawlog material. There was some, but we  
7 couldn't get it.

8 Q. Why couldn't you get it?

9 A. Well, there's a number of reasons.  
10 You guys didn't actually clean out the timber we gave  
11 you, but it was small timber and we couldn't make  
12 lumber out of it.

13 There's a lot of red tape from the MNR or  
14 the lands is -- Great Lakes has leases for this piece  
15 of land. So we went to Great Lakes to see if we could  
16 get this timber. No, the union has something to say  
17 about that. We are not unit unionized. So we spent a  
18 lot of time trying to get it, but it came not worth the  
19 effort any more .

20 Q. Were you yourself involved in that  
21 effort?

22 A. Yes, I was.

23 MR. MARTEL: Can I ask a question?

24 MR. COLBORNE: Certainly.

25 MR. MARTEL: What union are you talking

1 about? My understanding is that they have not had --  
2 if we are talking about Boise -- is that who you are  
3 talking about?

4 MR. WATTS: No, Great Lakes. It was  
5 Dryden paper, then Ried, then Great Lakes.

6 MR. MARTEL: Okay, pardon me. Because  
7 Boise I think was the one that did most subcontracting  
8 as opposed to -- I was trying to get that straight in  
9 my mind. So it was with the others?

10 MR. WATTS: The others.

11 MR. MARTEL: Okay, fine.

12 MR. MARTEL: On these tracts that Ried  
13 had, they had something like what, 26,000 square miles  
14 or something like that? I am going back by memory.

15 MR. WATTS: I don't know the exact number  
16 but it's huge.

17 MR. MARTEL: It's huge. You couldn't get  
18 any cutting in there with 26,000 square miles of timber  
19 or lumber of wood available?

20 MR. WATTS: The union doesn't allow it  
21 because the people are unionized.

22 MR. MARTEL: My concern is that the union  
23 isn't the one that allocates the wood. MNR allocates  
24 the wood or Boise -- not Boise, but Ried before them  
25 and now C.P.

1 I guess they had that whole 2,600 -- or  
2 26,000 tied up. It is hard to imagine.

3 MR. FREIDIN: Are you talking about the  
4 Ried tract?

5 MR. MARTEL: Yes. It was 26,000 square  
6 miles at one time; was it not? I am just going by  
7 memory. I am going back to '73, '74 or '75.

8 MR. FREIDIN: I just wanted to be clear  
9 whether you were talking about the Ried tract which is  
10 much farther north than the area of the undertaking.  
11 It is not near Dryden.

12 MR. MARTEL: How much farther north? It  
13 involves the Wabigoon.

14 MR. FREIDIN: No.

15 MR. WATTS: Ried, yes.

16 MR. MARTEL: Certainly that's where all  
17 the problem was with the Whitedog and English River  
18 and --

19 MR. FREIDIN: The Ried paper mill which  
20 is located in Dryden.

21 MR. MARTEL: I am not talking about the  
22 mill. I am talking about the tract of land that was  
23 held by Ried at one time.

24 I was under the impression - I am going  
25 by memory now - that involved 26,000 square miles and



1 included the Wabigoon/English River system where all  
2 the problem occurred. That's not part of the same  
3 tract?

4 MR. COLBORNE: Mr. Martel, I think I can  
5 help.

6 MR. MARTEL: All right. Somebody help  
7 me.

8 MR. COLBORNE: I hope I have got it  
9 right. The tract that you have referred to is I think  
10 essentially in the Red Lake area and is quite far north  
11 of Mr. Watts' home reserve.

12 The thing which may be causing confusion  
13 is that his home reserve is called the Wabigoon  
14 Reserve. But it is far, far upstream in the Wabigoon  
15 system from the portion of the system that you are  
16 referring to. Maybe I will just point it out on the  
17 map.

18 MR. MARTEL: What's confusing me is that  
19 if Boise -- Boise is the main in this area.

20 MR. FREIDIN: Great Lakes.

21 MR. MARTEL: Treaty 3. Boise is in Fort  
22 Frances and Boise is here; isn't it?

23 ---Discussion off the record

24 MR. MARTEL: Yes, I understand what he  
25 has told me, but what I am trying to get straightened

1 out in my mind is who owns what at this time.

2 If Boise is here and Boise is in Fort  
3 Fort Frances, but they couldn't get cutting rights  
4 because Ried - I think he said Ried - ultimately -- you  
5 named Ried; did you not?

6 MR. WATTS: Yes.

7 MR. MARTEL: And then who else?

8 MADAM CHAIR: Excuse me, Mr. Watts.

9 MR. WATTS: The paper mill has changed  
10 hands a number of times.

11 MR. MARTEL: I am trying to get a handle  
12 on who owns what, where.

13 MADAM CHAIR: Excuse me, Mr. Watts. The  
14 situation that you are talking about occurred in the  
15 1960s with the sawmill that closed.

16 MR. WATTS: Yes.

17 MADAM CHAIR: What you have said is that  
18 the union -- I am assuming the union had a contract  
19 with their employer and that employer was Great Lakes?

20 MR. WATTS: Right.

21 MADAM CHAIR: And the contract precluded  
22 non-union logging?

23 MR. WATTS: Right.

24 MR. MARTEL: I am simply trying to find  
25 out who had all of the tracts in there because in

1 between you have Boise up here and Boise down below.

2 I am just trying to see where Ried  
3 actually fit in and CP.

4 MR. COLBORNE: I have exhibit --

5 MR. FREIDIN: It is so small you can't  
6 read it.

7 MR. COLBORNE: It may be Exhibit 2. I  
8 hate to think it was that early. It says EA 87-02. It  
9 also says MNR-03-OFIA. This is as copy of an exhibit.

10 So having said those numbers --

11 MADAM CHAIR: What is the date on that,  
12 Mr. Colborne?

13 MR. COLBORNE: There is no date. It is a  
14 copy and somebody wrote on it but they didn't put all  
15 the particulars.

16 It is the overall map showing the forest  
17 management units in Ontario. It distinguishes between  
18 the ones which are Crown and the ones which are company  
19 and the area that we would be involved with here would  
20 be No. 130, Canadian Pacific Forest Products. That  
21 would be forest management unit 130 on this exhibit.  
22 The Ried tract is way north of this.

23 MADAM CHAIR: Thank you, Mr. Colborne. I  
24 think we can move on.

25 MR. COLBORNE: Very well. I would like

1 to say, though, that the word Wabigoon covers an  
2 enormous area because the Wabigoon systems wanders  
3 right through northwestern Ontario. So Mr. Watts is  
4 way down at one end of it and the end that you are  
5 referring to, Mr. Martel, is quite a long distance  
6 away.

7 MR. MARTEL: It is all straightened out.

8 MR. COLBORNE: Q. I am not sure if you  
9 had finished, Mr. Watts. Do you have any more thoughts  
10 on any barriers that stand between the people of your  
11 community and gaining benefit from the resources in the  
12 vicinity?

13 MR. WATTS: A. Right. Back to more of  
14 this wood cutting business. We went and talked to the  
15 mill, Great Lakes. In order for them to give us timber  
16 they would have to give up a portion of their timber  
17 rights, give it back to MNR, and then MNR would give it  
18 to us.

19 The problem with that, it would cut down  
20 on their allowable cut. So they were reluctant to do  
21 that because they are allowable -- the cut was based on  
22 acres they had. So as a result we couldn't get any.

23 Q. I will now ask Mr. Carpenter. If you  
24 had anything you wanted to add, Mr. Watts, don't  
25 hesitate to speak up.

1                   Mr. carpenter, you have told us that at  
2       Lac Seul there is a good deal of forest that could be  
3       harvested right in the vicinity of the reserve. Are  
4       there obstacles that you know of standing between the  
5       members of your community and the ability to get access  
6       to using that resource to harvest it and gaining  
7       benefits from it?

8                   MR. CARPENTER: A. The resource based on  
9       the reserve or you are talking...

10                  Q. Off reserve?

11                  A. Off reserve?

12                  Q. Yes.

13                  A. I think the way it works in the Sioux  
14       Lookout District is that you have to apply for a DCL  
15       even if you're looking for a small wood lot and then  
16       you are put on a waiting list.

17                  I put my name some years ago, I think it  
18       is almost 10 years now, and I was No. 27 I think and  
19       just about a month or two I got a letter from MNR  
20       saying that I am 19th on the list now. It may be  
21       another -- you know, in another 20 years or so I might  
22       down to No. 1 which won't be any good to me then or I  
23       will be no good to the lot.

24                  That is the problem for the people of Lac  
25       Seul as far as getting a wood lot. We've had some the



1 same encounters as Paul just mentioned with the paper  
2 company there in Dryden.

3 As far as the resource itself on the  
4 reserve is concerned, we certainly have quite a  
5 substantial amount of timber outstanding on the reserve  
6 at the present time.

7 However, our obstacles were waterway  
8 channels. We can build bridges on them and in the  
9 winter time the season is too short to go over the ice,  
10 not only added costs, but a lot of money to put in an  
11 ice road. It just wasn't worth the time and the  
12 effort.

13 Q. Thank you. Mr. Carpenter, as I said  
14 to Mr. Watts, if there is anything you want to add  
15 don't hesitate to speak up.

16 I'll now ask Chief Wilson. You said that  
17 there are no good forest resources in the immediate  
18 vicinity of your reserve there's not much in the way of  
19 game and fish opportunities there either.

20 So I am not sure what sense it makes to  
21 ask you what the obstacles are about. I will ask it  
22 anyway.

23 CHIEF WILSON: A. Well, primarily we are  
24 sort of a fishing community, the deterioration of the  
25 sturgeon fishery in our area is -- so we are finding --

1 alternative means of creating employment or getting  
2 into the workforce.

3                   Although we have a sawmill, we have no  
4 allocation of timber to be allocated to the mill. So  
5 if you're looking at the business side of that there,  
6 it's very awkward for us to go to a bank and say:  
7 Well, I want to borrow a million dollars to remodel the  
8 mill to meet the demand, we couldn't do that because we  
9 don't have the allocation of wood.

10                   And we did have an allocation in the  
11 mid-70s which was in the Crow Lake management unit, we  
12 had to cross the Crow Lake in order to get at it. We  
13 didn't have the capital to be able to build the kinds  
14 of roads that were needed, so through an agreement we  
15 had to give up the DCL, though we did receive some wood  
16 for a period of five years which has run out quite some  
17 time ago.

18                   So we're in the open market and when  
19 you're in the open market of wood it costs you a lot of  
20 money. Again, that doesn't put us in the competitive  
21 area, but I think there should be a recognition that if  
22 we're going to -- you know, there are several problems  
23 that I see: One is how the resources are being  
24 controlled and who the ownership is.

25                   The ownership in our area is in Boise

1 Cascade through their agreements and they also have an  
2 obligation to the independent logging operations, and  
3 their first obligation is there, so consequently we  
4 have to go through third parties, increasing the cost  
5 of the raw material that we have to get in our mill.

6 The other one is control, MNR's control  
7 over the resources. There isn't -- although the FMAs  
8 do have hearings, or whatever you call them, do not  
9 give you an indication in the mapping out of that. I  
10 think that if we are going to community based forest  
11 management and allow Indian people to be part of that  
12 process it will also give knowledge to the Indian  
13 people of how that control is going to happen and the  
14 allocation of it. Consequently then, I think that you  
15 can start looking at the resource availability and the  
16 demand to it.

17 We then look at that and say: Well then,  
18 how do we start receiving the benefits and how do we  
19 build the capacity in meeting those opportunities,  
20 rather than being the extraction side, or the  
21 silvicultural management, or the forest management or  
22 even other than forest management, we can be in the  
23 preservation or conservation of the habitat in the  
24 area.

25 So there are quite a lot of opportunities

1 one could get into if the will of the governments and  
2 the will of the companies and the will of the local  
3 people as well, I think we have to share resources.  
4 We've always said that the Ojibway people are very  
5 sharing people. In many cases I guess we use the  
6 excuse, you know, they took it away, but I think  
7 they're much -- quite a number of opportunities to have  
8 the will to sit down and talk about them.

9 But we don't have those resources right  
10 now, everything is fighting tooth and nail for  
11 everything you have, and when you do you've got the  
12 poorest allocation which means it's going to cost you a  
13 lot of money and if you fail, because economically it  
14 was not feasible at first, then you are then considered  
15 a failure and will not have the second chance.

16 And in the areas of employment within  
17 either the private sector or MNR again, we don't have  
18 those same levels of expertise for various reasons. If  
19 you did not have the experience previously then you  
20 didn't get the job. But there isn't an opportunity  
21 there to build that capacity to properly train our  
22 people to be able to compete in those same areas.

23 So I think -- I guess I could spend all  
24 day here talking about that and giving you ideas on how  
25 we can do that.

1 Q. Okay.

2 A. At the moment there's nothing there.

3 Q. I just want to ask one follow-up  
4 question on that. You said you would get the poor  
5 allocations and I take it you're talking about the  
6 quality of the wood. Who gets the good stuff?

7 A. Prior to the last generation, last 10  
8 to 20 years, companies normally typically drew out  
9 where they would like to be, do their mapping and say:  
10 We are going to our next hundred cords here, or we are  
11 going to do our next hundred thousand cords here, and  
12 in terms of that there -- of being able to produce a  
13 forest management plan in the first thought was extract  
14 and not rehabilitate. In our age today then we have to  
15 look at all those things.

16 But, again, the companies are coming back  
17 and saying: But it costs us so much, we can't afford  
18 it any more, we are in a recession or pretty close to a  
19 depression, so now they can't afford it. But our  
20 government policies have the strength and have the  
21 policies in place to have the pieces of legislation  
22 that can force those things to happen and I can't  
23 understand why we're not doing it.

24 And we are people, descendents of this  
25 country, and I can't understand why governments cannot



1       come up with a policy that allows us to be a  
2       participant in that decision process.

3                   Q.   Okay.  I said I had one follow-up  
4       question, I have two.  Maybe I'll have three by the  
5       time you answer this.

6                   I want to ask you a question which is  
7       exactly the same as I asked a representative of the  
8       Forest Industry Association when that representative  
9       was giving evidence, Oh, about a year ago.

10                  And the question is this:  Does your  
11       ability to get bank financing depend in part,  
12       obviously, on how much area you have a right to cut in?

13                  A.   Yes.  If we're going in there for the  
14       purpose of extraction--

15                  Q.   Okay.

16                  A.   --we are going in there to cut wood.

17                  Q.   So if you go to the bank as Manitou  
18       Lumber and you don't have a licence you just have a a  
19       balance sheet really to put before them or a business  
20       plan, you're in worse shape than if you go before them  
21       and say:  Here, I've got a Crown licence, we've got so  
22       much wood we have the right to cut it; is that what  
23       you're saying?

24                  A.   Yes.  Okay.  If you twisted that  
25       around and said:  Okay, here's an allocation of wood.

1 I have various options; one is to look at the  
2 capabilities I have in managing that and being able to  
3 extract that and rehabilitate it with a rehabilitation  
4 plan, with a good forest management plan, et cetera,  
5 then I have -- I can then do it myself, okay.

6 There's the other side too; is that too  
7 is that I can go into joint management with someone  
8 else, or I can look at the company that I'm selling the  
9 raw material to to help me out in the management of it.

10 So there are various options I think one  
11 can look at. At the moment right now I have got less  
12 than nothing to go to with. First of all, it's sort of  
13 a chicken and egg situation, I can't go to ask for an  
14 allocation of wood without the knowledge of the  
15 management of how I'm going to use it and without the  
16 capitalization of it, and they could make it very  
17 difficult even though I had that and say: Well, you've  
18 still got to build 50 miles of highway or road and that  
19 will put me right out of business.

20 Q. The medium-sized outfits that do make  
21 it, and there are some -- well, yours is one, you have  
22 survived for years. How many years has Manitou Lumber  
23 being operating?

24 A. Since 19 -- we started in the early  
25 70s.

1 Q. Okay. And I suppose it's been -- it  
2 hasn't all been roses, it's been up and down; has it?

3 A. No.

4 Q. Okay. But you have survived. What  
5 is it that distinguishes the medium-sized operations  
6 that do survive from the ones that don't survive?

7 A. It's management. I think that we are  
8 in a prime location. One of our arguments I think  
9 throughout the history of our -- we started off with  
10 just small sawmills at first, portable sawmills, and  
11 finally got into the modern sawmill. We just  
12 remodelled just recently again.

13 But I think it's the -- you know, and I  
14 think it's been a very risk factor for us because we  
15 really didn't know if we are going to have another tree  
16 next year. We were able to convince various investment  
17 groups and as well as the bank and as well as the  
18 governments that we should have that, okay, and we had  
19 to use political force in many cases.

20 Two, I think that as well if under the  
21 government's law what, they call DBH - I think it's  
22 DBH - where if there's a tree there that's big enough  
23 for a sawmill, then it should go to a sawmill. I can't  
24 understand why some of our sawmills, it's not because  
25 of the market situation, but I think that in properly

1 organizing the area we have and being able to utilize  
2 the tree to its full extent, I can't understand why  
3 we're not fully utilizing that tree.

4 I just came from Finland, as you  
5 mentioned, I looked at some of the operations there. I  
6 went to Germany and I have looked at some of the  
7 operations there. We're -- here we're very, very  
8 wasteful and unless we, s industry, we as private  
9 individuals and we as government do not take over this  
10 your next EA hearings is going to be about how do we --  
11 why did this happen, and I think that you're hearing  
12 it.

13 MADAM CHAIR: Excuse me. Chief Wilson,  
14 is the concern you're talking about that sawlogs are  
15 going to pulp mills?

16 CHIEF WILSON: Yes.

17 MADAM CHAIR: So...

18 CHIEF WILSON: Very much concerned. I  
19 can show you pictures of sawlogs that have gone to  
20 Boise Cascade that are 32 inches diameter at the butt.

21 MADAM CHAIR: So you're saying that  
22 sorting in the forest isn't being done to your  
23 satisfaction?

24 CHIEF WILSON: No.

25 MADAM CHAIR: And that every sawlog, your

1 mill is very much dependent on that sorting process to  
2 pull out every sawlog possible.

3 CHIEF WILSON: Exactly.

4 MADAM CHAIR: Now on another matter, is  
5 MNR helping you in any way to divert supply to Manitou  
6 Lumber?

7 CHIEF WILSON: (nodding negatively)

8 MADAM CHAIR: Have they refused to do  
9 that, or have they been requested to do that?

10 CHIEF WILSON: We have sat with them and  
11 I think they have directed some of the independent  
12 people to us, okay, who can -- who have -- and if we as  
13 a Indian band had the sole management of that I don't  
14 believe -- I firmly believe that probably would have  
15 not happened, but because we have non-Indian people in  
16 there that are in joint venture with us in the  
17 management of it, then it's a different story because  
18 these other two people have a lot of influence in the  
19 district.

20 MADAM CHAIR: Excuse me. You're in joint  
21 management in Manitou Lumber?

22 CHIEF WILSON: Yes.

23 MADAM CHAIR: With people, and they have  
24 contacts with independent loggers?

25 CHIEF WILSON: With millions of money and



1 influence, yeah.

2 MADAM CHAIR: And so that you have no  
3 agreement with MNR to divert any supply to Manitou  
4 Lumber?

5 CHIEF WILSON: None whatsoever.

6 MR. MARTEL: We were told that there's a  
7 great effort made to get the sawlogs and what people  
8 look in return for, and is this part of the problem,  
9 that you can't give the type of fiber in return for the  
10 sawlogs.

11 In other words, we were told within the  
12 last week that a great effort is made to provide  
13 sawlogs where they belong, but in return one needs  
14 fiber, but if you don't have fiber for the pulpmill  
15 then you don't have anything to trade with; do you?

16 CHIEF WILSON: No, exactly. We don't  
17 have anything to trade.

18 MR. MARTEL: And that is the problem that  
19 some of the major companies find themselves in, that  
20 you can't give back to them the fiber they need in  
21 replacement for the fiber they're providing you?

22 CHIEF WILSON: As I said before we're  
23 into red and white pine and red and white pine is not  
24 in usage in the sawmill, I mean in the papermill, and  
25 what I'm looking for, if there is red and white pine in

1 those limits then why not allocate them to us and we  
2 could both go in there and look at maps and say: Okay,  
3 well, for the next 10 years we know there's going to be  
4 enough there to be sustainable for us.

5 The question is: How do we then put a  
6 silviculture plan that is going to meet my needs a  
7 hundred years from now.

8 MR. COLBORNE: Q. Chief Wilson --

9 MADAM CHAIR: Excuse me, just one last  
10 question. The arrangement that you have with respect  
11 to wood supply now is that you pay directly for sawlogs  
12 that you receive?

13 CHIEF WILSON: Oh yes.

14 MADAM CHAIR: Yes, okay.

15 CHIEF WILSON: And we are paying dearly.  
16 I would like to add another thing and, again, hadn't it  
17 been for our newly friends that we're joint venturing  
18 with, is the pulp chips that we're getting. We have a  
19 chipper. It was costing us almost more to deliver the  
20 chips to the papermill, yet at the same time we could  
21 see the cost of those -- I mean, the price of those  
22 same chips, the same grade value and everything else  
23 three times higher than what Boise Cascade would pay  
24 us.

25 Now, through various discussions and

1 everything else we have now brought that price up  
2 because, again, of our non-Indian partners. I think  
3 from the Indian side we wouldn't have been able to  
4 provide that influence to bring our price up.

5 MR. COLBORNE: Q. Well, I have a  
6 follow-up on that one. I thought it was just market,  
7 you're saying that influence affects price?

8 CHIEF WILSON: A. Influence. Boise  
9 Cascade is the only demand in the Fort Frances area of  
10 pulp chips.

11 Q. Right.

12 A. If I have a chipper and I want to  
13 utilize as much as I can of the tree, then a chipper is  
14 a necessity. And if I have no -- if the condition is  
15 where I cannot sell outside of the realms of the area  
16 that Boise Cascade is in, which means that I can't -- I  
17 cannot go to Great Lakes or I cannot go to Abitibi and  
18 try and get a better price, then Boise has full  
19 control.

20 Q. And Boise has more than one price  
21 depending on how much influence you have got with  
22 Boise?

23 A. We used to laugh about this here, but  
24 there was an Indian price and then there was an Indian  
25 price.

1 Q. Okay. Well, Chief Wilson, I am sure  
2 we are going to be exploring a number of points that  
3 you've raised, but I want to try to maintain the  
4 continuity of my questions, so I'm going to continue,  
5 but we will be returning to some points that you have  
6 just touched on.

7 And I want to continue with Mr.  
8 Kavanaugh. The Whitefish Bay area, you've said that  
9 there are forest resources, and you've said that the  
10 game and fish resource that attracts tourists is still  
11 there.

12 What obstacles, if any, are you aware of  
13 that stands between your community utilizing those  
14 resources and not?

15 MR. KAVANAUGH: A. I guess to a large  
16 degree a lot of that is precluded by the lack of  
17 capital I guess and the high cost of capitalizing  
18 different ventures, but to a large degree the only  
19 timber harvesting that has taken place at Whitefish has  
20 been restricted to on-reserve, and that was only  
21 through a contract we had with this outfit Manitou.  
22 Like I say, it's precluded by the lack of fundings.

23 Q. Okay. You would need these funds to  
24 purchase what?

25 A. There's the area of capitalization

1       you need -- you have to purchase skidders, chain saws  
2       and whatever is required for logging operations. In  
3       the area of fish and wildlife, we've investigated the  
4       possibilities of establishing a resort. That, again,  
5       has been stymied by the lack of resourcing, I guess,  
6       financially.

7                   Q. I asked Chief Wilson if financing  
8       depended on whether you had a licence for wood or it  
9       depended in part on that. I'm not sure if you know the  
10      answer to this question because maybe it's never been  
11      tried, but if your community had a good licence, do you  
12      know, would you be able to get the financing that you  
13      need if you could walk into the bank and say: We've  
14      got such and such an area, we've got the licence to it;  
15      can you answer that question?

16                  A. In terms of securing loans from an  
17      institution, I would have to say that there's a  
18      possibility we might be able to secure funding because,  
19      if I may use an example, we've gone through banking  
20      institutions for some of our activities, you know,  
21      through their regular route of financing. So I would  
22      have to say we could.

23                  Q. Mr. Seymour --

24                  MR. MARTEL: Could I ask a question?

25                  MR. COLBORNE: Certainly.



1 MR. MARTEL: Have you attempted to  
2 utilize any of the provincial funding agencies which  
3 are agencies of last resort; in other words, if you  
4 can't get it through the bank, have you been able to  
5 get it through some of the provincial corporations  
6 operated by the Government of Ontario?

7 CHIEF WILSON: Yes. I'll give you an  
8 example. I work with three bands. We just put a  
9 shopping mall in Fort Frances and we went through that  
10 BDV for the financing of that, but I think until just  
11 recently provincial resources were not available to  
12 Indian bands.

13 In fact, there's still some limitations  
14 to that because we are on Indian lands and I think the  
15 province feels that they're the responsibility of the  
16 federal government.

17 To a certain degree I think that I agree  
18 with that but, at the same time, if you're utilizing a  
19 resource that is going to benefit, then I think that  
20 one should look at it differently.

21 I think because of the Indian Act we do  
22 have some restrictions in there, but I think you can  
23 get around, I think what Francis alluded to, there are  
24 opportunities depending on the project you're working  
25 on.

1 MADAM CHAIR: Excuse me, Chief Wilson.

2 The sorts of forestry projects that the IFDP has looked  
3 into are activities such as silviculture, the many  
4 different activities that fall under silviculture, are  
5 they as capital intensive as logging; in other words,  
6 is there a higher labour component to tree thinning,  
7 planting and so forth as opposed to the capital  
8 expenditures you would need for skidders if you were  
9 going to do clearcutting, that sort of thing?

10 CHIEF WILSON: Okay. Let me try and  
11 tackle your question in two areas. One is in the  
12 silviculture area. Through the -- I guess through the  
13 efforts of IFDP and being able to understand, when we  
14 first opened the doors of IFDP about silviculture and  
15 about forest management, we almost had to go to the  
16 doors of the communities and try and explain what  
17 silviculture meant because nobody ever heard of that.  
18 Nature did it.

19 And now we can't meet that demand, the  
20 demand is a lot greater than what it is. Communities  
21 are starting to realize that they're going to -- they  
22 have to do something about it, okay.

23 But from that there comes -- although  
24 mechanically in preparation of the lands, we have  
25 farmed that out, we don't have the equipment ourselves

1 but there's an opportunity there.

2 Second of all, then there's the tree  
3 planting, then there's the tending, hand tending. We  
4 have another word for it.

5 So there is those opportunities and there  
6 has been -- if we're talking about professionalism  
7 there, I think we've developed some professional tree  
8 planters and hand tenders, yet at the same time we're  
9 not able to compete on the Crown land areas because  
10 it's already taken up by someone else and independent  
11 operator or MNR themselves, the only time they come to  
12 Indian country is when they can't find somebody else.

13 So there is various opportunities in that  
14 area. There are various opportunities in many, many  
15 other areas.

16 MADAM CHAIR: Thank you, Chief Wilson.

17 MR. MARTEL: Well, are there less Indian  
18 people working today, in your opinion, in the forests  
19 because the contracts, for example, for regeneration  
20 are going to contractors, or are there fewer Indian  
21 people who are trained for firefighting because you're  
22 not getting those jobs than, let's say, 15, 20 years  
23 ago?

24 CHIEF WILSON: Yes. I'm just going to  
25 give you the example from my community, okay. At one

1 time 80 per cent of our community would be going out to  
2 cut wood, say, from the first of May til -- it  
3 sometimes lasted until -- right to Christmastime or, I  
4 mean, to break-up or freeze-up, and then they would  
5 start up again after that there and then go for the  
6 winter, okay.

7 So many times in our community our  
8 community was almost bare with people because they were  
9 going out, they had to travel out and stay in camps.

10 When the new laws kicked in where you had  
11 to have certain standards for -- to be able to meet  
12 that, the Indian contractors who had these things could  
13 not compete any more nor could they compete because of  
14 the laws, and the other thing was unionization took  
15 place and we had a lot of experienced union loggers.

16 When tree planting first came in where  
17 they need needed labour, the first people that they  
18 thought of - I guess because they could withstand some  
19 of the mosquito bites and wood tick bites and et  
20 cetera - they did look at the Indians and then, again,  
21 the same thing happened; larger organizations came in,  
22 the first people to lose the jobs was the original  
23 people of the country.

24 MADAM CHAIR: Excuse me, chief Wilson,  
25 were you talking about new laws are you referring



1 specifically to unionization?

2 CHIEF WILSON: Labour standards.

3 MADAM CHAIR: Labour standards, all  
4 right.

5 CHIEF WILSON: I'll give you an example.  
6 I have a friend, a friend of mine who plants about  
7 3-million trees and brings in the Indian people from  
8 the north.

9 Now, here are people who lives in tents  
10 most of the year, including wintertime, who has been  
11 accustomed to that kind of living, yet at the same time  
12 when we look at various standards that is applied in  
13 Ontario, these people cannot live in that because we  
14 have standards, you have to -- you can't have a gas can  
15 50 feet away -- you've got to have a gas can 50 feet  
16 away from you. These people live there, this is how  
17 they live.

18 You've got to have a washroom that has a  
19 deodorizer or whatever, you know, and what do you do  
20 with these things, you only use them for two or three  
21 weeks of the year.

22 Again, these people when they come into  
23 this kind of situation and are not exposed to those  
24 kinds of laws. Yet this person is able and wants to  
25 hire Indian people and cannot hire them because of



1 those things.

2 MADAM CHAIR: But they hire someone else?

3 CHIEF WILSON: Oh, yes.

4 MADAM CHAIR: And how can they hire  
5 someone else if --

6 CHIEF WILSON: Well, they'll bring them  
7 in from the cities. I was just travelling back to  
8 Toronto and two ladies who are a little darker than I  
9 was came to Fort Frances to plant trees could not stand  
10 it, but they're picking them up off the streets in Fort  
11 Frances in Toronto or wherever else and bringing them  
12 in.

13 MADAM CHAIR: But are you saying that --

14 CHIEF WILSON: I can't understand why  
15 they're doing what we could do.

16 MADAM CHAIR: Are you saying the labour  
17 standards are in force to prevent Native peoples from  
18 working in these situations but they are not enforced  
19 to prevent people from the south working in the same  
20 situations?

21 CHIEF WILSON: I don't think the law  
22 is -- I don't think the law is designed in that way,  
23 the application or the interpretation by whomever, and  
24 if you wanted to interpret it that way for your benefit  
25 or your convenience, yes.

1                   MADAM CHAIR: If people are hired from  
2 outside Native communities are they paid less money  
3 than your people would be?

4                   CHIEF WILSON: I have no stats on that.

5                   MADAM CHAIR: Mr. Colborne, I'm having a  
6 problem. I don't understand. What the situation --  
7 are we dealing with a situation where -- I guess I  
8 don't understand where labour standards come into play  
9 in preventing people from Treaty 3 --

10                  MR. COLBORNE: I will ask a couple of  
11 more questions.

12                  MR. MARTEL: Well, maybe I could ask a  
13 question?

14                  MR. COLBORNE: Certainly.

15                  MR. MARTEL: Is it because the companies  
16 that are doing the hiring prefer to hire young people  
17 from university in the States -- in southern Ontario as  
18 opposed to hiring Indian people from the north?

19                  I mean, I'm having difficulty. I have  
20 been through the labour standards many times and I'm  
21 having some difficulty understanding how the labour  
22 force code could affect the hiring.

23                  Is it really a case of those companies  
24 who now gain these contracts from MNR, there's no  
25 stipulations: Well, for example, you must hire 50 per

1 cent Indian people or it's just easier to hire white  
2 people?

3 MR. COLBORNE: Maybe I can ask the  
4 witnesses.

5 Q. Mr. Kavanaugh?

6 MR. KAVANAUGH: A. Maybe I can provide  
7 another scenario.

8 MR. MARTEL: Help us.

9 MR. KAVANAUGH: In the early years when  
10 MNR was still known as Lands and Forests, Sioux Narrows  
11 used to have -- I don't know if they still hold those  
12 district competitions for fire fighting. Sioux Narrows  
13 used to be district champion. They always used to win  
14 these district competitions as well.

15 They used to hold something, I think it  
16 was all Ontario, and frequently they came back with top  
17 honours. You know, they had proven themselves to be  
18 competent firefighters and these were people from my  
19 reserve and these people are responsible people, they  
20 are reliable, they were there when needed, you know,  
21 they were shipped out to forest fires and sometimes six  
22 weeks, eight weeks at a time they stayed there.

23 One by one for some reason, I don't know  
24 what the policy was, but they started bringing in  
25 university students and our people, you know, started

1 to get letters that we wouldn't be needing you this  
2 coming fire season, we were employing someone else.  
3 People that have never stepped a foot on a reserve --  
4 in the bush, you know. Why was that?

5 I don't know what kind of policy there  
6 was, but now you don't have no Indian working in MNR in  
7 Sioux Narrows. You can go back and look up, you know,  
8 what I just said.

9 MADAM CHAIR: So is it your evidence, Mr.  
10 Kavanaugh, that you don't know why native peoples have  
11 been replaced but that has happened and you see that  
12 certainly in fire fighting?

13 MR. KAVANAUGH: Yes.

14 MADAM CHAIR: And tree planting?

15 MR. KAVANAUGH: Mm-hmm.

16 MADAM CHAIR: All right. Thank you.

17 MR. COLBORNE: Q. Chief Wilson, did you  
18 want to add something.

19 CHIEF WILSON: A. I am trying to  
20 understand as well why that has taken place, so given  
21 the opportunity at some later time we will talk with  
22 MNR or the various contractor or whoever it is.

23 If one was to look at it and say: Okay,  
24 MNR is going to demand through their policy that there  
25 are certain areas that silviculture work needs to be

1       done or a private company such as Boise Cascade or  
2       whatever, they will hire someone else that can manage  
3       and may contract that out to a private company.

4               The private company does not come  
5       knocking on Indian doors. It works with the employment  
6       agency's doors which is either through immigration or  
7       private employment agencies. Many of these private  
8       employment agencies are in the cities. So that's sort  
9       of the communication that happens. Okay.

10              The companies, again, either the private  
11       or the company that's in charge, like Boise Cascade,  
12       had stipulations in saying you have to find local help.  
13       There are Indian people up here, we do have Indians  
14       that work or they have worked for us or MNR. That same  
15       policy should apply. Then we would have some point to  
16       compete for those jobs.

17              The second part to that, we have been  
18       doing it long enough. Why can't we take those  
19       contracts on?

20              MR. MARTEL: Yes, I think that that puts  
21       it into the type of perspective I thought was there as  
22       opposed to the labour standard.

23              CHIEF WILSON: I just want to say  
24       something else on the labour standards. Many of the  
25       companies -- they will say: Okay, here is what you



1 need. I need you to have safety toe boots, I need you  
2 to have these kind of gloves or these kind of hats or  
3 these kind of glasses or these kind of whatever, okay,  
4 and here is an Indian fellow who has been living in  
5 that country without any of those things, still walks  
6 in moccasins and doesn't need all the aspirins or  
7 repellent to shoo away whatever you call them and  
8 doesn't have the protective gear that labour standards  
9 require, nor does it understand why they have to have a  
10 gas can 50 feet away from its door when its boat is 10  
11 feet away from its door.

12 You can understand that they have to have  
13 their washroom, they have to have -- I mean, they will  
14 walk a mile in the bush before they do so. There are  
15 these things. Well, when they are handed all these  
16 regulations it scares the heck out of them. Why should  
17 I go through all of this, you know.

18 MADAM CHAIR: That's a clarification I  
19 didn't understand, a point you were making before.  
20 Thanks, Chief Wilson.

21 CHIEF WILSON: Let me do it and I will  
22 tell them.

23 MR. COLBORNE: Okay.

24 Q. Mr. Seymour, it has taken a while to  
25 get to you in connection with this series of questions,

1 but I basically want to ask you the same thing about  
2 Rat Portage.

3 You have said that the good forest is not  
4 in this immediate vicinity anymore because we are near  
5 town here and you have also said that the game and fish  
6 resource is pretty exploited right near the town of  
7 Kenora, but notwithstanding that, what obstacles, if  
8 any, are there that stands between the people of Rat  
9 Portage and gaining a benefit from the forest resources  
10 that are there?

11 MR. SEYMOUR: A. Well, back in '86 we  
12 did a course on logging. We hired nine of our own  
13 people with regards to cutting. We have in the area  
14 120 acres within our territory. The guys did good  
15 within the safety equipment and with the safety  
16 standards. They had a standard of cutting, proper  
17 maintenance of skidder operations which was new to our  
18 younger guys.

19 Once that course was done, it was a  
20 10-week course, there was no jobs out there. Basically  
21 the old veterans had their jobs and made a name already  
22 for themselves. The course was just a make-work  
23 program. The guys were unemployed. They were mostly  
24 on the welfare system and UIC.

25 In regards to the fishing. We did have a

1 lot of -- well, there wasn't that much commercial  
2 fishing and the way the licences were given was that  
3 they were given to the non-native people first and then  
4 after they were fished out they given to the native  
5 people and said that is your area now. Our people  
6 would be complaining there is no fish there and MNR  
7 says: Well, there you go, you are fishing them all  
8 out.

9 So we were being treated as the ones  
10 taking advantage of nature, but we are not. We are  
11 trying to survive on a system that's already developed  
12 by a European system which is taking it and blaming it  
13 on somebody.

14 Community development, we see the way the  
15 European system is growing in regard to nature. So we  
16 have to redevelop ourselves within office work, within  
17 business to think like the Europeans, but we will not  
18 forget who we are. What I mean by thinking like  
19 Europeans, by the business, going into business such as  
20 the marina we have, businessman for a tourist  
21 attraction, we live sort of close within the  
22 non-natives and we have to develop these to survive,  
23 yet keep our identity strong.

24 Q. I would like to now ask again using  
25 the five members of the Indian communities on the panel

1 to use their own home communities as somewhat  
2 representative examples and the question or questions  
3 would be about jobs.

4 I would like you just for purposes of  
5 creating a general picture of what it is like on the  
6 reserve, I would like you to tell the Board what are  
7 the good jobs in the vicinity of your reserves and  
8 whether Indian have any of those and, if so, what they  
9 are.

10 Just so I don't ask too many questions,  
11 but instead listen to you, what obstacles are there  
12 towards getting these jobs and if you could try to  
13 focus on the forest industry, but you don't have to  
14 restrict your comments exclusively to the forest  
15 industry.

16 So, Mr. Watts, could we start with you  
17 again. What is the job situation in the area of the  
18 Wabigoon Reserve?

19 MR. WATTS: A. The job situation, eh? I  
20 think we are about 80 per cent unemployed on the  
21 reserve. Jobs that are within the community itself  
22 comes out of the Band office, chief, two councillors, a  
23 welfare administrative which is kept very busy and the  
24 school has four employees I think.

25 Q. You are not far from Dryden; is that

1 right?

2 A. Yes, Dryden has good jobs there.

3 Q. What are the main employers in terms  
4 of the good jobs in Dryden?

5 A. Great Lakes is the biggest employer  
6 in Dryden. As far as I know there is no employees in  
7 the reserve.

8 Q. Okay. What would stand in the way of  
9 people from the reserve working for Great Lakes in  
10 Dryden?

11 A. I'm not sure. There is a few living  
12 on the reserve that they employ in the wood industry.  
13 I think it has to do with the belief that the  
14 clearcutting method has to -- I think it has to do with  
15 that.

16 Q. I didn't hear that exactly. Belief  
17 and the clearcutting method, is that what you said?

18 A. See, a lot of the Indian people don't  
19 believe in clearcutting timber that are not matured.  
20 So knocking them down to make way for the big trees and  
21 wastage, but the company has a policy that you have to  
22 cut the whole area.

23 I myself worked for Great Lakes at one  
24 time and I was told to cut timber that were no bigger  
25 than this glass. I didn't agree with it, but still I



1 had to do it otherwise I would get fired if I didn't do  
2 that. I would ask why not those over there across the  
3 road, they'd say: No, that's for next year. First all  
4 of these have to go.

5 So I think Indian people are more closer  
6 to the land, feel for the trees sort to speak and those  
7 white people don't have that. They are just trees and  
8 trees don't vote. That's what I have been told, trees  
9 don't vote, they have no say in this country, but I  
10 wonder what they use for ballots.

11 Q. Okay. Mr. Watts, go ahead and add  
12 anything more if you like, but I will turn to Mr.  
13 Carpenter now.

14 What are the good jobs in the Lac Seul  
15 area and you can include Sioux Lookout with that.  
16 Sioux Lookout would be the closest --

17 MR. CARPENTER: A. Mm-hmm. I guess in  
18 terms of employment on the reserve, we have  
19 approximately -- I would say in the vicinity of 70 per  
20 cent unemployed on the reserve. We have about 15 per  
21 cent employment on the reserve and of course we have  
22 some handicapped people that wouldn't really count as  
23 being employable. So that's how I arrived at my  
24 hundred per cent.

25 I know my way-of thinking is always a

1 little different than a white man because he has  
2 different ways of figuring things out, but that doesn't  
3 mean I am ignorant. I look at things a little  
4 differently, on a broader perspective.

5 As far as good employment opportunities  
6 are concerned, for anybody outside on the reserve in  
7 the Town of Sioux Lookout, we have some Band members  
8 that work in the Town of Sioux Lookout, we have a few  
9 that work at the Indian hospital, the Zone Hospital, we  
10 have a dental assistant and we have some office workers  
11 as well.

12 We have two that work for the MNR; one is  
13 full time and the other is seasonal, summer employment.  
14 I don't think we have any that work for the Canadian  
15 National Railways. Maybe there are some in the distant  
16 parts of the country that are Lac Seul members that  
17 work for the Canadian National Railways. We have also  
18 some men, I think we have 17 that work at McKenzie  
19 Forest Products.

20 Q. That's a sawmill at Hudson?

21 A. That's a sawmill at Hudson. I think  
22 we have one that works at Great Lakes Paper. I'm not  
23 sure if he works there. He used to work there at one  
24 time.

25 We have a few that work as guides,

1 tourist guides in Ear Falls and Sioux Lookout and we  
2 have some that live in Winnipeg. I'm not sure what  
3 kind of jobs they hold.

4 Q. Lac Seul is pretty large in terms of  
5 population compared to other Treaty 3 communities; is  
6 that not correct?

7 A. That's correct.

8 Q. So what are the obstacles, if any,  
9 that you would want to mention that stand in the way of  
10 this large number of Lac Seul members who can't have  
11 good jobs or don't have any jobs at all?

12 A. Well, I think one that stands in the  
13 way is the education level is just not there. We are  
14 talking about the older generation that went through  
15 residential schooling. I'm one that went through that  
16 residential school and I certainly have many bitter  
17 memories about it.

18 To this day I can never really accept why  
19 I had to pronounce words with a certain accent. I can  
20 recall many times being slapped over the head because I  
21 didn't pronounce the words right.

22 Now, when you start travelling around the  
23 country, if the English language is as mighty that they  
24 think it is, why don't they force the rest of the  
25 English speaking people to pronounce the words the same

1       universally?

2                       You can go down to the United States and  
3       their accent is different. Very different. I called a  
4       missionary one time that used to be in Lac Seul and  
5       went back to England and I tried to get ahold of him  
6       because my dad had passed away and he was such a good  
7       friend to my dad, and I had a heck of a time trying to  
8       get my information with the operator in Slough, England  
9       because they are accent was so different than mine.  
10      Again, different from what I was taught in school. Why  
11      is it so different?

12                      So I finally got ahold of this guy --  
13      pardon me, I didn't get ahold of him. He came back  
14      about a year later. He came up and made sure he made a  
15      visit to my place, he wanted to see some people and I  
16      was telling him, I said: I had a heck of a time in  
17      Slough, England because of this operator. I told him  
18      that she had such a different accent than what I had.  
19      Roy, he says, she is speaking English the way it is  
20      supposed to be spoken. Now, that wasn't what I was  
21      taught in school.

22                      Damn, you know, it gets mind boggling  
23      sometimes and then you can go to the hill billies in  
24      the United States and they certainly talk a little  
25      different than we do as opposed to that. You know, I

1 think that's to me is just unhumane. If you speak  
2 Italian, I accept that or whatever.

3 Q. Okay. So education is one of the  
4 things. Is there --

5 A. Education, training and, again, I  
6 guess basically they try to run everything their own  
7 way, you know, sort of speak. The only system in the  
8 world is to do it the European way.

9 I worked as a cutter, as well as a  
10 skidder operator for Great Lakes Paper, Ried, also for  
11 Ontario/Minnesota Pulp and Paper which later became  
12 Boise Cascade. I went to Ontario/Minnesota Pulp and  
13 Paper and at that time there was hardly any Indians  
14 there. I think there was only one or two Indian  
15 employees there and I was the third.

16 The second day that I worked there  
17 everyone noticed me. The third day everyone started  
18 talking about me: Where did this guy come from. He is  
19 the top guy in our camp, production is high. Prior to  
20 that I worked for Dryden Paper, Ried. I used to be  
21 called 25 per cent; 25 per cent of production came from  
22 me in our little camp there, yet I didn't do the  
23 standard that the white people wanted to. I had my way  
24 of doing things.

25 Some years later, again just to reiterate



1 what Rocky was just saying and any one of these  
2 witnesses that we have here, is this training that you  
3 have to have in order to be qualified for something.  
4 It's good in a way, but it doesn't always -- it isn't  
5 always necessary to have that piece of paper saying  
6 that you can put out fire. Technically all you need is  
7 water.

8 The big question is: How to look after  
9 yourself when you go into fire. I have been privileged  
10 enough to be a crew boss on the fires. I have had some  
11 young people and I always took time to instruct them,  
12 things to look out for so that they could go back to  
13 our site safely in the evening, on-hand experience and  
14 telling that individual what to look out for. I found  
15 a lot of things, they said use all our senses: Use  
16 your sight, your smell and your hearing and you will be  
17 all right.

18 Q. Just, by the way, I don't want to  
19 interrupt you, but did you get a piece of paper saying  
20 you were qualified to fight fires?

21 A. Yes.

22 Q. How did you get that?

23 A. First, I got one back in the early  
24 60s and became obsolete. I got another one, another  
25 update when I was with Ried and that has become

1       obsolete and I had one which currently I think expires  
2       September of this year.

3                   Q.   When it expires, does that mean you  
4       wouldn't know how to fire anymore?

5                   A.   That's right.   In the eyes of the MNR  
6       that's the way they looked at it.   If you have an  
7       active list of fire fighters my name is on there.

8                   Q.   So you have to keep going back and  
9       getting your paper updated?

10                  A.   Mm-hmm.

11                  Q.   Do you agree with that?

12                  A.   I don't agree with it.

13                  Q.   Do you have a piece of paper that  
14       says that you know how to be a pulp cutter?

15                  A.   I have that.

16                  Q.   When does that expire?

17                  A.   This will expire some time -- in a  
18       couple of years I think.

19                  Q.   When it expires, what does it stop  
20       you from doing?

21                  A.   I can't work any place.

22                  Q.   Who gives you this piece of paper?

23                  A.   The forest provincial -- what do you  
24       call that?

25                  MR. WATTS:   A.   The Department of

1 Labour.

2 MR. CARPENTER: A. The department of  
3 Labour.

4 Q. So God forbid, but if I walked into  
5 this bush camp and said I want to cut timber, they are  
6 going to say: We can't even look at you because you  
7 don't have a piece of paper? Is that the way it works?

8 A. That's the way it works.

9 MR. MARTEL: Just think what would happen  
10 to your law degree.

11 MR. COLBORNE: Just think what would  
12 happen to the more important parts of me.

13 MR. WATTS: It just came in recently that  
14 you have to be certified as the number of people  
15 cutting wood. I have a piece of paper says I can  
16 instruct but nobody is member.

17 So I sort of laugh, I'm doing this all my  
18 life, cutting wood, but now Department of Labour can go  
19 into Wabigoon cutting area and kick people out or take  
20 them to court or put them in jail, whatever they want  
21 to do, if they don't have this piece of paper.

22 MR. COLBORNE: Q. Is that a problem for  
23 people who don't have ordinary educations like through  
24 the system that I went through, for instance, getting  
25 that paper?

1 MR. WATTS: A. No, no, it's not, it's  
2 just procedure. What Roy is saying, everything is  
3 designed for somebody else, not for Native people,  
4 never asked about anything. I think the Indian Act  
5 wouldn't exist if people were asked about it.

6 Q. I'm not sure I understand the answer.

7 A. But Native people never asked about  
8 anything like this. Department of Labour think you  
9 have got to have a piece of paper to cut wood. Native  
10 people were never asked about that.

11 Talking about differences. In line with  
12 what Roy is saying, he missed one group that speak  
13 differently is politicians of Ottawa and nobody has any  
14 clue what they're saying. I never know what they're  
15 saying anyhow, what they're trying to say.

16 MR. FREIDIN: Neither do I, Mr. Watts.

17 MADAM CHAIR: You're probably not alone,  
18 Mr. Watts.

19 MR. COLBORNE: Q. Well, let me turn the  
20 question to the only politician on the panel, because  
21 Chief Willie Wilson who is elected, as well as a number  
22 of other things.

23 I just wanted you to touch on the same  
24 topic, if you would please, Chief Wilson, jobs and  
25 barriers to jobs for your own home community,

1 especially focussing on forestry.

2 CHIEF WILSON: A. Well, I just went  
3 through an ironic situation which I didn't know about  
4 and I'm talking about one of our closest reserves and,  
5 again, certification.

6 Here's a group of Indian people who have  
7 been trapping all their lives, now all of a sudden have  
8 to have certification, and if they wanted a trap line,  
9 if they didn't have that certification -- they had this  
10 system in order for you to get this certification.

11 Here's an Indian who had been a trapper  
12 all his life, doesn't know anything else, doesn't know  
13 how to cut pulp, doesn't know how to do accounting or  
14 do any other kind of service industry, he's a trapper  
15 all of his life and he's going to try and get a trap  
16 line so he can keep his family alive and he can't get a  
17 trap line because of that, because of this system, this  
18 point system that MNR has created, and that's beyond  
19 me. Anyway I wanted to say that.

20 You asked a question, what are the jobs  
21 around? Well --

22 Q. Can I just break in. I'm sorry, I  
23 wanted to stick with that for a second.

24 Do you need to have gone to school, do  
25 you need to be very capable in terms of written or



1 spoken English to get that trapper's certification  
2 you're talking about?

3 A. It is my understanding, to be  
4 recognized as a trapper by Ministry of Natural  
5 Resources there -- it's a point system, okay, and I you  
6 have to go -- through a process, you have to learn how  
7 to be a helper, et cetera, even though, I mean, that  
8 was life, that's how you learned how to survive, it's  
9 not how you make your living, or how do you make  
10 your -- how you make your living.

11 The point I think that is there, the  
12 point I'm trying to make is that now that certification  
13 has come in it certainly eliminates the opportunities  
14 that Indian people have, even though they may have been  
15 a trapper previously, does not have the same  
16 opportunity, it's the people who have the knowledge of  
17 the bureaucracy and knowledge to be able to go and  
18 write some sort of test that tells you that you're a  
19 trapper.

20 Now, you can learn that from the books  
21 and you can learn how to be a trapper -- if that's the  
22 system you're using, you can learn how to be a trapper  
23 without even going out there to catch an animal. You  
24 have got all these books, okay.

25 And here's this person who knows how to

1 read and write and doesn't he know a dam thing about-  
2 anything else and he learned everything by the computer  
3 or by the book can get this certification, and here's a  
4 person -- and versus a person who has lived his life  
5 out of the bush, understands what these tracks mean,  
6 where it's going to be and understands sustainable  
7 trapping or living of taking or exacting of wild  
8 animals for the purpose of keeping yourself alive.

9 MR. MARTEL: And your people have to  
10 write the exam?

11 CHIEF WILSON: Oh yes.

12 MR. MARTEL: They have to write it?

13 CHIEF WILSON: Oh yes.

14 MR. MARTEL: In what language?

15 CHIEF WILSON: English.

16 MADAM CHAIR: Excuse me, Chief Wilson,  
17 the evidence we've had before at the hearing is that  
18 Indian people do not have to write an exam, they can  
19 take an oral exam if they want in their own language.

20 CHIEF WILSON: If they're going to take  
21 an oral exam who is going to be there to interpret it;  
22 is it going to be another Indian?

23 So what I'm trying to say to you, if  
24 you're going to have the language, if you don't  
25 understand the language, how do you understand what

1 that person says unless it's through interpretation,  
2 then it's your interpretation of that individual, if  
3 that is -- because word for word does not work.

4 MADAM CHAIR: No, but presumably an oral  
5 examination would be conducted by someone who would  
6 speak Oji-Cree or whatever the person wanted to speak.

7 CHIEF WILSON: I'm hoping that during  
8 your hearings that you will have one individual who has  
9 applied who will come to you in this hearing and will  
10 explain his situation what happened to him.

11 MR. MARTEL: But what's worrying me,  
12 Chief Wilson, is that surely it's not beyond MNR's  
13 capacity to hire an Indian person to administer the  
14 oral test so that your own people are in fact judging  
15 your capacity.

16 I mean, we have a lot of -- in the white  
17 community we have a lot of oral testing too and I used  
18 to get them for --

19 CHIEF WILSON: If he's a lawmaker, then  
20 you are the judge.

21 MR. MARTEL: Again, I'm missing you then,  
22 because I was able to get tests for people to take  
23 mechanicals who couldn't read but were very good,  
24 skillful with their hands, and I was able to get tests  
25 for them to become a class mechanic because they could

1 take an oral test with someone who was competent from  
2 the Ministry of Colleges and Universities.

3 Because as an old teacher I used to be  
4 offended that somebody who was good with his hands, who  
5 could repair a car far better than me couldn't get --  
6 simply because he couldn't write an exam couldn't make  
7 a living, and we were able to get skilled people doing  
8 oral exams.

9 And surely that's where the direction I  
10 would hope that MNR is moving, that Indian people  
11 should not have to even try to do it in English, but  
12 the people judging it would be your own people.

13 That whatever the questions MNR wanted to  
14 ask, your own people would be determining whether they  
15 had the capacity to -- and that shouldn't be a problem.

16 CHIEF WILSON: Okay. I guess --

17 MR. MARTEL: Now, you might be a little  
18 suspicious of some people, and I understand that.

19 CHIEF WILSON: Okay. I guess I'm not  
20 arguing with your philosophy there, I think to a  
21 certain degree I agree with it, but what I'm saying is  
22 if an Indian person who has been a trapper all his life  
23 and has known that it has trapped, okay, then why does  
24 this person have to go through this whole process in  
25 order to get a trap line?

1 MR. MARTEL: I can understand that  
2 concern, but the only thing I was asking -- because the  
3 evidence we had before us was that you didn't have to  
4 write the exam.

5 That's what was worrying me, you see,  
6 whether you have to write it. Yours is a different  
7 question.

8 CHIEF WILSON: You also have this point  
9 system. Even though you maybe know that you have been  
10 a trapper, okay, but unless there's this point system  
11 you can be an Indian trapper and still not get the trap  
12 line.

13 MR. MARTEL: Can you give me an example  
14 of how that could happen, and just clarify it for me so  
15 I can understand.

16 CHIEF WILSON: Okay. My understanding is  
17 that -- wait, I need to have a cigarette or something.

18 MR. COLBORNE: Just while --

19 MR. MARTEL: Take your time. Don't  
20 worry.

21 MR. COLBORNE: Chief Wilson, can have a  
22 sip of water, because I think he was asking me to tell  
23 you whether we were going to have a certain witness,  
24 and I do have that information.

25 MR. MARTEL: Yes.



1 MR. COLBORNE: I think that the witness  
2 that Chief Wilson is referring to is Chief Steve  
3 Jourdain from the Lack la Croix band and he will be a  
4 witness here, barring unforeseen developments, and so  
5 he will tell you his own -- and I can't describe it as  
6 anything but a horror story.

7 MR. MARTEL: All right. That's what I  
8 want -- I think my colleague and I want to get  
9 straighten out, because the evidence that you're aware  
10 that we heard is that you don't have to take a test in  
11 anything. I think I'm right in saying it could be in  
12 their own language if need be. I think that's the  
13 evidence we have from many moons ago, if I can use that  
14 term.

15 MADAM CHAIR: The evidence we also have  
16 about trapping is that instead of doing course work,  
17 instead of learning from a book, you can go out on a  
18 trap line with an experienced trapper.

19 You might just put the Board's questions  
20 to your witness and that's the sort of thing we're  
21 interested in knowing.

22 MR. COLBORNE: Very well. I think  
23 through Chief Jourdain we will have the actual point  
24 system -- the trapper's point system that has probably  
25 been referred to here more than once, as well as his

1 own experience with attempting to obtain a replacement  
2 trap line when his was cut over.

3 MADAM CHAIR: Mr. Colborne, it's twenty  
4 after five. Is this a convenient place to stop this  
5 evening, or did you want to go on a bit longer this  
6 evening, or should we start at nine o'clock tomorrow  
7 morning?

8 MR. COLBORNE: I think this is a  
9 convenient place to stop.

10 MADAM CHAIR: All right.

11 MR. MARTEL: Let Chief Wilson get his  
12 breath.

13 CHIEF WILSON: It's a gift from Finland.

14 MADAM CHAIR: Thank you very much,  
15 gentlemen. And we will reconvene tomorrow morning at  
16 nine o'clock.

17 Thank you.

18  
19 ---Whereupon the hearing was adjourned at 5:20 p.m., to  
20 be reconvened on Tuesday, May 28th, 1991, commencing  
21 at 9:00 a.m.

22

23

24

25

[c. copyright 1985]











